

Legislative Update January 2012

The NH Legislature returned to work this week to complete items from the 2011 legislative session and begin work for 2012. The vast majority of the action and highlights were in the House.

NH House: Autism and Early Intervention Insurance Should Continue

On Wednesday, the full House largely endorsed the Commerce Committee's amended version of HB 309, relative to certain insurance mandates and establishing a committee to study current insurance mandates. The bill as recommended by the Commerce Committee would leave both the current Autism Spectrum Disorders and Children's Early Intervention insurance coverage in place. There was a successful "Floor Amendment" to the legislation which made group coverage for obesity and morbid obesity optional for insurance companies. HB 309 now moves to the State Senate.

Special Education:

On Thursday, the House passed the majority of the Education Committees changes to HB 219, restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education. Over the summer and fall the House Education Committee utilized retained bill HB 219 as a vehicle to make sudden and potentially very dangerous changes to education policy in the state of New Hampshire. The newly amended bill creates an oversight committee that will be charged to study and review all rules adopted by the state board of education to determine if the rules have an appropriate basis in statutory authority and whether the rules put in effect are in need of revision. Another key provision of HB 219 is that it restricts the state board of education to adopt only those rules necessary to comply with federal minimum standards. To exceed those minimum federal requirements, it would be necessary for the state board to receive prior approval by a majority vote of both houses of the legislature. The bill passed by a vote of 214-110. CSNI will be working with special education advocates on this issue as it moves to the State Senate for a public hearing.

"Mentally Defective"=Deleted

On Thursday, the Senate Judiciary Committee conducted a public hearing and passed an amended version of SB 274 removing the phrase "mentally defective" from the aggravated felonious sexual assault statute. This bill was brought forward by advocates for victims of crime from the Rockingham County Attorney's office which prosecutes crimes of sexual assault. Senator Nancy Stiles, prime sponsor introduced an amendment agreed upon by key stakeholders including CSNI and the DRC. The amendment uses language from the case of *The State of NH v. Joel Frost*. The new language removes "Mentally Defective" and replaces it by stating "The victim has a disability that renders him or her incapable of freely arriving at an independent choice whether or not to engage in sexual conduct." This amended bill will ensure that people who experience a disability will continue to be protected without

the offense terminology used in the current law. The amended version passed the Committee by a vote of 5-0.

Community Support Network, Inc.

2012 Priority Legislation (In Numerical Order)

" Red: High Priority

" Yellow: Closely Monitor

" Green: Low Priority

Full Text of Bill Language: <http://www.gencourt.state.nh.us/>

Yellow: HB 219 restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education. This bill restricts certain rulemaking authority of the state board of education and establishes a legislative oversight committee to review the rulemaking authority of the state board of education. Status: Ought to Pass with Amendment #2755h(NT): MA RC 214-110

Red: HB 309 -FN relative to certain insurance mandates and establishing a committee to study current insurance mandates. This bill requires utilization review for coverage for children's early intervention therapy services, diagnosis and treatment of pervasive developmental disorder or autism, and hearing aids. Sponsors: (Prime) John Hunt Status: Ought to Pass with Amendment #2815h(NT) and #0090h: MA RC 229-133

Yellow: HB 318 -FN-L reducing a school district's liability for special education costs. This bill reduces the liability of school districts for special education costs to 2 times the estimated state average expenditure per pupil. Status: Committee Report: Inexpedient to Legislate for Jan 4 (Vote 14-0; CC)

Yellow: HB 493 -FN relative to the certification of integrated residential communities. This bill establishes the certification of integrated residential communities. Under this bill the number of beds to be certified shall be capped at 24. This bill exempts such entities from the licensure law regulating health care facilities. Sponsors: (Prime) Alidia Millham Status: Refer to Interim Study: MA VV

Red: HB 652 -FN establishing a commission relative to Medicaid managed care. Sponsors: Neal Kurk Status: Ought to Pass: MA RC 259-111

Red: HB 653 requiring general fund budget reductions to reimburse Medicaid. This bill requires each state department which receives general funds to reduce its general fund appropriations by a pro rata share determined by the commissioner of administrative services. This reduction is to fund a reimbursement in the amount of \$35,000,000 to the federal Medicaid program. Sponsors: Neal Kurk Status: Suspend House Rules to Allow Reporting Deadline to be Moved to February 23, 2012

Green: HB 1129 establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls. Sponsors: (Prime)John Tholl, David Welch Status: Referred to Science, Technology and Energy

Yellow: HB 1179 imposing an extended term of imprisonment for assault against a health care worker. This bill imposes an extended term of imprisonment for assault against a health care worker. Sponsors: (Prime)Andrew White , Jennifer Coffey, Stephen Shurtleff, Laurie Harding Status: Referred to Criminal Justice and Public Safety

Green: HB 1197 requiring the commissioner of the department of health and human services to apply for a state plan waiver. This bill requires the commissioner of the department of health and human services to apply for a state plan waiver for certain entities which are not eligible to receive Medicaid Quality Incentive Program payments from the nursing facility trust fund. Sponsors: (Prime)Patrick Abrami , Joanne Ward, Bill Ohm, Wyman Shuler, Michele Peckham, Keith Murphy, Russell Prescott Status: Referred to Health, Human Services and Elderly Affairs Public Hearing: 1/10/2012 10:00 AM LOB 205

Yellow: HB 1216 relative to the authority for withholding or withdrawal of life-sustaining treatment. This bill clarifies the protocol of the facility regarding authority for withholding or withdrawal of life sustaining treatment from a mentally incompetent or developmentally disabled person. Sponsors: (Prime) Daniel Itse, Paul Ingbretson Status: Referred to Judiciary

Yellow: HB 1250 allowing designated persons to provide emergency medical treatment to another person. This bill allows designated persons to provide emergency medical treatment to another person. Sponsors: (Prime)Jerry Bergevin , Kenneth Gidge, Marshall Quandt, Phil Greazzo Status: Referred to Health, Human Services and Elderly Affairs Public Hearing: 1/10/2012 11:30 AM LOB 205

Green: HB 1270 requiring an employer to disclose non-compete and non-piracy agreements to a potential employee prior to making an offer of employment. This bill requires an employer to disclose non-compete and non-piracy agreements to a potential employee prior to making an offer of employment. Sponsors: (Prime)Keith Murphy , William Infantine, Patrick Abrami, Raymond White Status: Referred to Labor, Industrial and Rehabilitative Services

Green: HB 1276 establishing a committee to study general court policies and procedures related to persons with disabilities. Sponsors: (Prime) Dick Patten Status: Referred to Legislative Administration

Green: HB 1297 this bill prohibits the state of New Hampshire from planning, creating, or participating in a state health care exchange or a federal health care exchange. Sponsors: (Prime)Andrew Manuse , George Lambert, Gregory Sorg, Daniel Itse, Lenette Peterson, Paul Ingbretson, Tom De Blois, Warren Groen, Jennifer Coffey, James Forsythe, William O'Brien Status: Public Hearing: 1/19/2012 11:00 AM LOB 302 =Insurance Division=

Red: HB 1308 relative to the definition of "public body" under the right-to-know law. This bill adds quasi-governmental bodies to the definition of "public body" under the right-to-know law. Sponsors: (Prime)

Timothy Comerford , Rick Watrous, Laura Jones, Seth Cohn, Daniel Itse Status: Public Hearing:
1/12/2012 2:00 PM LOB 208 (Judiciary)

Green: HB 1509 relative to guardianship of elderly persons. This bill provides that if the commissioner of the department of health and human services seeks guardianship of an elderly person, liquidating the person's assets shall not occur during the first 6 months of guardianship. Sponsors: (Prime) Paul Simard
Status: Referred to Judiciary

Yellow: HB 1554 relative to fire code requirements for licensed foster homes. This bill provides that a foster family home located in a multi-unit dwelling that complies with fire code requirements for multi-unit dwellings shall not be required to install additional fire warning devices. Sponsors: (Prime) Kathleen Cusson-Cail , Gary Lambert Status: Referred to Children and Family Law

Green: HB 1564 establishing a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding. Sponsors: (Prime)Robert Foose Status: Referred to Special Committee on Education Funding Reform

Yellow: HB 1618 relative to fire safety standards for community living facilities. This bill repeals the law regarding standards for fire safety in community living facilities housing 3 or fewer clients. Sponsors: (Prime) Kathleen Cusson-Cail Status: Public Hearing: 1/31/2012 2:00 PM LOB 205

Green: HB 1624 relative to the fiduciary capacity of persons collecting contributions for a nonprofit organization. This bill declares that a person may collect contributions for a nonprofit organization without assuming a fiduciary capacity. Sponsors: (Prime)Kathleen Cusson-Cail , J. Gail Barry, Seth Cohn
Status: Referred to Judiciary

Green: HB 1639 relative to employment of certain disability retirees by retirement system employers, This bill prohibits a disability retiree on total disability pursuant to the provisions of RSA 100-A from being employed in a similar job classification. Sponsors: (Prime)Daniel Tamburello , Andrew Manuse, Seth Cohn, Alfred Baldasaro, Mark Warden Status: Referred to Labor, Industrial and Rehabilitative Services

Yellow: HB 1644 relative to the regulation of home health care providers by the department of health and human services. This bill clarifies the licensure requirements for home health care providers. Sponsors: (Prime)Andrew Manuse , Maurice Pilotte, Carol McGuire, Fenton Groen Status: Public Hearing: 2/7/2012 11:30 AM LOB 205 (Referred to Health, Human Services and Elderly Affairs)

Green: HB 1657 relative to petitions for guardianship filed by parents of adult children with disabilities. This bill requires the court to waive the filing fee for a guardianship petition filed by the parent of an adult child with disabilities. Sponsors: (Prime) Charlene Lovett Status: Referred to Judiciary

Red: SB 177 relative to training of directors and officers of nonprofit corporations Sponsors (Prime) Bob Odell Status: Rereferred to Committee

Yellow: SB 198 -FN relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families. This bill removes a limitation on the amount of earned income that is disregarded for purposes of calculating aid to the permanently and totally disabled. The bill also includes persons receiving federal assistance in the TANF household for purposes of calculating income eligibility. This bill also clarifies that no marital master contracts shall be entered into or renewed, extended, reinstated, transferred, or modified by the state on or after the effective date of this bill. Status: Ought to Pass with Amendment #2605h (NT): MA RC 237-126

Yellow: SB 216 modifying the deadline for emergency involuntary admission hearings and relative to notification of revocation of conditional discharge by the department of health and human services. This bill modifies the deadline for emergency involuntary admission hearings. This bill also clarifies the notice of revocation of conditional discharge by the department of health and human services. This bill is a request of the department of health and human services. Sponsors: (Prime)Gary Lambert , John Barnes, Jr., Sharon Carson, Lou D'Allesandro, Tom De Blois, Jim Luther, Bob Odell, Jim Rausch, Andy Sanborn, Stephen Shurtleff, John Cebrowski, Alida Millham Status: Hearing: 1/5/12, Room 101, LOB, 1:45 p.m

Green: SB 223 to make technical revisions relative to the health information organization corporation. Sponsors: (Prime)Raymond White, John Reagan, Lynne Ober Status: Referred to Commerce

Yellow: SB 270 relative to civil commitment of persons found incompetent to stand trial. Sponsors: (Prime) Jeb Bradley, Elaine Swinford, Gene Charron, Moe Villeneuve, Dennis Fields, John Barnes, Jr., Gary Lambert, David Boutin, Jim Luther Status: Hearing: 1/5/12, Room 101, LOB, 2:00 p.m.

Yellow: SB 274 removing the phrase "mentally defective" from the aggravated felonious sexual assault statute. Sponsors: (Prime)Nancy Stiles , Gene Charron, Jacqueline Cali-Pitts, Mary Griffin, Chris Nevins, Laura Pantelakos, Sharon Carson, Gary Lambert, David Boutin, John Barnes, Jr., Jim Luther Status: Hearing: 1/5/12, Room 101, LOB, 1:30 p.m.

Green: SB 288 relative to the exchange of public health information through a health information exchange. This bill allows health care providers who are required to submit data to the department of health and human services to submit such data through a health information exchange under certain circumstances. Sponsors: (Prime) Raymond White, Lynne Ober, John Reagan Status: Referred to Health and Human Services

Green: SB 300 relative to special education services in chartered public schools. This bill requires a chartered public school to make available a free and appropriate public education to all children with disabilities by making available to the child all special education programs and services that are available to the child in the child's school district of residence. Sponsors: (Prime) Sharon Carson, John Hunt Status: Referred to Education

Green: SB 321 relative to Medicaid payments to long-term care facilities. This bill requires the commissioner of the department of health and human services to adopt rules relative to continuation of payments to long-term care facilities. Sponsors: (Prime) Jeanie Forrester , Jeb Bradley, Tom De Blois,

Andy Sanborn, Gary Lambert, John Reagan, James Pilliod, Alida Millham, Robert Greemore, John Cebrowski Status: Referred to Health and Human Services

Green: SB 319 extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. Sponsors: (Prime) Sharon Carson , John Barnes, Jr., Gary Lambert, Alfred Baldasaro, Daniel Tamburello, Robert Theberge, Kris Roberts Status: Referred to Health and Human Status: Services Referred to Health and Human Services

Yellow: SB 347 relative to the department of health and human services administrative appeals. This bill clarifies the administrative appeals process for individuals applying for or receiving services from the department of health and human services. This bill is a request of the department of health and human services. Sponsors: (Prime) Raymond White, Sharon Carson, Russell Day, John Cebrowski Status: Referred to Health and Human Services

Green: SB 359 relative to civil actions involving accessibility standards for public buildings. This bill grants the court discretion to award reasonable attorney's fees and costs to the prevailing party in an action to enforce accessibility standards for public buildings. Sponsors: (Prime) John Gallus, Gary Lambert, Evalyn Merrick, Edmond Gionet Status: Referred to Judiciary

Yellow: SB 375 -FN relative to a prepaid health plan for Medicaid services. This bill repeals the requirement that the department of health and human services apply for a waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan. Sponsors: (Prime) Chuck Morse, Kenneth Weyler Status: Referred to Finance

Yellow: 2012-H-2616-R title: relative to state contracts. Sponsors: (Prime) Dan McGuire Status:

Full Text of Bill Language: <http://www.gencourt.state.nh.us/>