



Karner Blue Strategies

New Hampshire Psychological Association

**End of Session Report
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KarnerBlueStrategies.com
jdejoie@karnerbluestrategies.com
(603) 682-8531

Throughout the 2022 session of the New Hampshire Legislature, the NHPA Behavioral Health Advocacy Committee (BHAC) monitored and engaged in legislation important to the NHPA and its membership. This document will provide an overview of legislative activities of BHAC during the session. The final BHAC Legislative Report with the status of legislation monitored by BHAC, appears in the Appendix.

The 2021-2022 New Hampshire Legislature was comprised of 213 Republicans and 187 Democrats at the start of the session. This number dropped to 206 Republicans and 183 Democrats by the end of the session due to resignations and deaths of legislators. There were a number of “Free State” Republicans whose influence in the legislature exceeded their relatively small numbers. The impact of these members who leveraged leadership positions to affect policy, was a significant “rightward” policy push that is atypical in New Hampshire. This permitted the enactment of stringent abortion restrictions, restriction of “divisive concepts” in school and other such National policy efforts.

Even with this policy environment, BHAC had a successful session. BHAC succeeded in the passage of about 86% of the bills it supported and the defeat of 86% of the bills it opposed. There were an additional 13 bills which were Monitored. Key legislation from each category is highlighted in the following paragraphs.

SUPPORT

NHPA supported several key bills. These include HB1045 which reformulates the ethics advisory commission for the Department of health and human Services. A member of NHPA was added to the commission. This bill has been signed by the Governor.

Another bill, signed by the Governor, is HB1622. This began as a bill intended to improve parity between medical and mental health services. Through a variety of amendments, the bill removed much of the parity language and purported to create more adequate networks. Behavioral health providers will be required to notify insurers whenever the provider stops accepting clients from that insurer. We will have to monitor how this provision is implemented to understand potential impacts for providers.

SB392, which was killed by the House, proposed the creation of a commission to review the definitions for competency and criminal insanity. The House directed Dr. Bader to create an Executive Branch working group to review these definitions.

OPPOSE

Perhaps the most consequential victory this session for BHAC is HB1077. This bill sought to repeal the prohibition on “Conversion Therapy”. This bill passed the House committee, despite significant opposition to the bill, including from NHPA. When this bill received a vote before the full House, NHPA, in coordination with other allies, sought to defeat the bill. NHPA activated its membership which made numerous outreach attempts asking legislators to Table the bill. The result was a resounding defeat of HB1077. This effort illustrates the power of the NHPA membership and alliances.

HB1639, which would change the administration of the Youth Risk Behavioral Survey from an “opt out” to an “opt in” system. NHPA testified against this legislation, which unfortunately passed. The

House and Senate version of the bill were different and they met in Committee of Conference. The conferees were unable to reach agreement. As such, the bill died.

Two additional bills affecting children, were killed by the House. NHPA testified against both bills. The first, HB1345, attempted to address when parents could receive a teenagers medical record. The second bill, HB1651, deemed sexual reassignment of a minor to be child abuse. Each of these bills sought to diminish protections which are currently enjoyed by children and their parents. Children have the right to seek some types of medical treatment without the therapist notifying their parents. Parent also have the ability to choose gender affirming treatment for their children.

MONITOR

BHAC monitored numerous bills during the session. Most notable were several licensing bills, a group of telemedicine bills and two bills seeking to codify the passage of Federal *legislation (SB287 and SB373)*.

The licensure bills (SB220, SB277, SB313 and SB330) make some changes but mainly creates study committees to review licensure. This is true for SB220 and SB330. The SB220 committee is charged with reviewing behavioral health licensure requirements, obstacles and opportunities which exist to align with interstate compacts. SB330 originally dealt with license reciprocity between States. The final version of SB330 creates a committee to review license reciprocity, structure and function of Boards and to make needed recommendations. The charges of these committees are similar. The most significant change among these bills is SB277, which extends emergency licensure, obtained prior to January 21, 2022, to June 30, 2023. Previously, these licenses were set to expire May 31, 2022. SB313 addresses fee setting for Administrative Boards. It does not specifically address the Board of Psychology. This effectively leaves the current scheme in place whereby the Director of the Office of Professional Licensure (OPLC) sets fees which are equivalent to the costs to operate the Board. As established by the Board, in addition to common costs to run OPLC which are distributed on a pro rate basis to all Boards.

The telehealth bills include HB1405 and SB390. HB1405 is a telehealth bill which would have permitted out of state behavioral health providers to provide services to NH residents via telehealth. This would only be permissible during a state of emergency. This bill was killed by the NH Legislature. SB390 is a telehealth bill which affects pharmacists and physicians and does not affect psychologists.

SB287 and SB373 seeks to codify changes to Federal Law. SB287 which raise questions about potential changes to billing forms, was sent to Interim Study for more work. SB373, changes references for the insurance parity review required of the Commissioner. There is an additional reference making this data publicly available, *“To the extent allowable under State and Federal law...”*

None of these bills appear to have a significant impact on NHPA members, but there may be some affect depending on the implementation.

Bill	Title & Synopsis	Final Status
SUPPORT HB 1045	(new Title) Relative to The Composition Of The Ethics Oversight Advisory Committee. Rep. Mark Pearson This bill changes the membership of the ethics oversight advisory committee	House: Signed by Governor Sununu 05/20/2022 Chapter 57 Eff. 07/19/2022
HB 1622	(new Title) Relative to Notice That A Health Care Provider Is No Longer Accepting New Patients and Relative to Mental Health Parity. Rep. David Luneau; Rep. Christy Bartlett; Rep. Jerry Knirk; et al. This bill requires contracts between health care providers and carriers to include a provision that the provider notify the carrier when the provider is no longer accepting new patients. The bill also requires coverage for biologically based mental illness to meet the access standards in RSA 420:1-7.	House: Signed by Governor Sununu 05/20/2022 Chapter 84 Eff. 01/01/2023
HB 1673	(new Title) Relative to Certain Provisions Of The Fetal Life Protection Act Requiring An Ultrasound Examination. Rep. Marjorie Smith; Rep. Alexis Simpson; Rep. Amanda Bouldin; et al. This bill construes the obstetric ultrasound examination requirement to determine probable gestational age prior to an abortion.	House: Signed by Governor Sununu 05/20/2022 Chapter Eff. 05/20/2022
SB 382	(new Title) Relative to Licensure Requirements For Telehealth Services and Relative to Licensure Of Physicians and Physicians Assistants Through Reciprocity Agreements. Sen. Jay Kahn; Sen. Cindy Rosenwald; Sen. David Watters; et al. This bill clarifies licensure requirements for healthcare professionals providing services by means of telemedicine or telehealth. The bill also authorizes the office of professional licensure and certification to enter into reciprocity agreements with other states to facilitate the licensure of out-of-state physicians and physicians assistants in New Hampshire.	House: Enrolled (in recess of) 05/26/2022
SB 397	(new Title) Relative to The Mental Health Counseling Compact and The Interstate Compact For The Placement Of Children. Sen. Jay Kahn; Rep. Peter Schmidt; Rep. William Marsh; et al. This bill provides for the adoption of the mental health counseling compact and exempts certain child placements from the interstate compact on the placement of children under RSA 170-A.	Senate: Sen. Carson Moved to Concur with the House Amendment, , 05/12/2022
SB 399	(new Title) Relative to Certain Provisions Of The Fetal Life Protection Act Requiring An Ultrasound Examination. Sen. Cindy Rosenwald; Rep. Alexis Simpson; Rep. Amanda Bouldin; et al. This bill repeals the fetal health protection act, which prohibits a health care provider from performing an abortion after 24 weeks except in the case of a medical emergency.	House: Lay SB399 on Table (Rep. Osborne): DV 177-156 05/05/2022
SB 416	Relative to Behavioral Health Assessment and Treatment For Children In Out-of-home Placements. Sen. Rebecca Whitley; Rep. Catherine Rombeau; Rep. David Luneau; et al. This bill requires children's behavioral health assessments to include a functional behavioral assessment, and a behavioral intervention plan if clinically indicated, prior to the placement decision.	Senate: Sen. Bradley Moved to Concur with the House Amendment, , 05/12/2022

Bill	Title & Synopsis	Final Status
OPPOSE		
HB 1077	Repealing The Prohibition On Conversion Therapy For Minors. Rep. Dave Testerman; Rep. Kurt Wuelper This bill repeals the prohibition on conversion therapy for minors	House: Lay HB1077 on Table (Rep. Alexander Jr.): RC 197-147 03/16/2022
HB 1180	Relative to State Recognition Of Biological Sex. Rep. Linda Gould; Rep. Judy Aron; Rep. Katherine Prudhomme-O'Brien; et al. This bill clarifies the intent of provisions of vital records and identification card laws pertaining to biological sex	House: Lay HB1180 on Table (Rep. Query): RC 175-167 03/16/2022
HB 1181	Allowing The Biological Father Of An Unborn Child to Petition The Court For An Injunction Prohibiting The Biological Mother From Having An Abortion. Rep. Jeffrey Greeson; Rep. Walter Stapleton This bill allows the biological father of an unborn child to petition the court for an injunction prohibiting the biological mother from having an abortion	House: Interim Study Work Session: 06/08/2022 09:00 am LOB 206-208
HB 1345	Relative to The Release Of A Teenager's Medical Records to A Parent or Guardian. Rep. Betty Gay; Rep. Andrew Renzullo; Rep. Erica Layon; et al. This bill provides for the release of a minor's medical records to the parent or guardian unless the parent or guardian's consent is not required for the medical treatment or the health care provider reasonably believes that there is possibility of abuse and release of the record may endanger the minor	Senate: Refer to Interim Study, , 04/28/2022
HB 1477	Prohibiting Abortions After Detection Of Fetal Heartbeat. Rep. Dave Testerman; Rep. Al Baldasaro; Rep. Gail Sanborn; et al. This bill prohibits abortions after detection of a fetal heartbeat	House: Lay HB1477 on Table (Rep. M. Smith): RC 185-143 03/16/2022
HB 1567	(new Title) Relative to Consequences Resulting From Election Official Misconduct. Rep. Mark Alliegro; Rep. Norman Silber This bill allows the attorney general to seek a civil penalty against the local government entity in which an election official was found to have negligently engaged in misconduct	House: Conference Committee Report 2022-2071c: Adopted, RC 184-161 05/26/2022
HB 1651	Adding Sexual Reassignment to The Definition Of Child Abuse. Rep. Dave Testerman This bill adds sexual reassignment to the definition of an abused child in RSA 169-C, the child protection act	House: Lay HB1651 on Table (Rep. DeSimone): 03/10/2022

Bill	Title & Synopsis	Final Status
MONITOR		
HB 1019	Establishing A Committee to Study The Replacement Of Certain Professional Licenses with Mandatory Minimum Liability Insurance Requirements. Rep. Michael Harrington This bill establishes a committee to study the replacement of certain professional licenses with mandatory minimum liability insurance requirements.	House: Refer for Interim Study: 03/15/2022
HB 1405	Allowing Out-of-state Mental Health Care Providers to Provide Telehealth Treatment During A Mental Health Emergency. Rep. Nicole Klein-Knight; Rep. Amanda Elizabeth Toll; Rep. Anita Burroughs; et al. This bill allows out-of-state mental health care providers to provide telehealth treatment during a mental health emergency and requires insurance coverage for out-of-state mental health services provided through telemedicine.	House: Inexpedient to Legislate: 03/15/2022
HB 1409	Relative to The Age At Which A Minor May Receive Mental Health Treatment Without Parental Consent. Rep. Nicole Klein-Knight; Rep. Amanda Elizabeth Toll; Rep. Anita Burroughs; et al. This bill allows a minor 16 years of age or older to consent to mental health treatment without parental consent. The bill also allows for reimbursement of such services from the uncompensated care and Medicaid fund.	House: Lay HB1409 on Table (Rep. M. Pearson): RC 171-163 03/16/2022
HB 1577	Relative to Exemptions From Prosecution For Victims Of Human Trafficking. Rep. Daryl Abbas; Rep. Jennifer Rhodes; Rep. John Bordenet; et al. This bill establishes exemptions from prosecution for victims of human trafficking, and establishes procedures to protect the privacy of court records relating to human trafficking and for vacating convictions and juvenile adjudications in human trafficking cases.	House: Signed by Governor Sununu 05/20/2022 Chapter 82 Eff. 01/01/2023
HB 1639	Relative to The Youth Risk Behavior Survey In Schools. Rep. Ralph Boehm; Rep. Glenn Cordelli This bill requires a school board to annually approve the youth risk behavior survey developed by the Centers for Disease Control and Prevention before administering the survey to students, and requires a parent or legal guardian to opt in to participation in the survey.	Senate: Conference Committee Report Not Signed Off
HB 1642	Relative to Lead Testing In Children. Rep. Chuck Grassie; Rep. David Meuse; Rep. Diane Langley; et al. This bill establishes a blood lead level testing requirement for children entering day care and public schools, as well as reporting requirements for health care providers regarding the tests.	House: Inexpedient to Legislate: 03/31/2022
SB 157	Relative to Funding Of Children's Mental Health Services and Making An Appropriation to Fund Positions In The Department Of Health and Human Services Contracts and Procurement Unit. Sen. Rebecca Whitley; Rep. Mary Jane Wallner; Rep. Patricia Cornell; et al. I. Extends a prior appropriation to the department of health and human services for child welfare behavioral health services. II. Requires that the New Hampshire 10-year mental health plan include a report on implementation of 2019, 44 (SB 14), relative to child welfare. III. Establishes positions in the department of health and human services contracts and procurement unit and makes an appropriation for this purpose.	Senate: Pending Motion OT3rdg 04/01/2021
SB 220	Relative to Establishing A Committee to Study Licensure Of Mental Health Professionals. Sen. Tom Sherman; Rep. Gary Woods; Rep. Jerry Knirk; et al. This bill establishes a committee to study licensure of mental health professionals.	Senate: Signed by the Governor on 05/27/2022 Chapter 0125 Effective 05/27/2022
SB 277	Relative to Emergency or Temporary Health Care Licenses. Sen. Erin Hennessey; Rep. Joe Alexander; Rep. Kimberly Rice; et al. This bill extends the expiration date for the emergency licensing process and the emergency or temporary licensing of health care workers enacted in SB155-FN (2021), converts the temporary or emergency licenses issued to permanent licenses, and extends the renewal dates of those provisions.	House: Enrolled (in recess of) 05/26/2022
SB 287	Relative to Balance Billing For Certain Health Care Services. Sen. Jeb Bradley; Rep. Christy Bartlett; Sen. Tom Sherman This bill modifies insurance coverage to reflect changes in federal law and clarifies coverage related to emergency services.	House: Refer for Interim Study: 05/04/2022
SB 313	(new Title) Relative to The Authority Of The Office Of Professional Licensure and Certification to Establish Fees. Sen. Bob Giuda; Rep. Carol McGuire; Rep. Peter Schmidt; et al. This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of certain boards, commissions, and councils administered by the office of professional licensure and certification.	Senate: Conference Committee Report # 2022-2066c, Adopted, 05/26/2022

Bill	Title & Synopsis	Final Status
SB 330	<p>(new Title) Establishing A Committee to Study and Make Recommendations Relative to The Office Of Professional Licensure and Certification and The Licensure Of Professions Under Boards, Councils, and Commissions Within The Office and Relative to The Expiration Of Terms Of The Board Of Foresters Members.</p> <p>Sen. Bob Giuda; Rep. Carol McGuire; Rep. Peter Schmidt; et al.</p> <p>This bill establishes a committee to study and make recommendations relative to the office of professional licensure and certification, and the licensure of professions under boards, councils, and commissions within the office. This bill also creates a statutory oversight committee for the office of professional licensure and certification which shall be effective for 5 years.</p>	Senate: Sen. Carson Moved to Concur with the House Amendment, , 05/12/2022
SB 373	<p>Relative to Coverage For Certain Mental Illnesses.</p> <p>Sen. Jeb Bradley; Rep. John Potucek</p> <p>This bill requires submission of the federal comparative analysis for certain mental illnesses and removes the mandate for rules to regulate this type of specific insurance coverage.</p>	House: Enrolled (in recess of) 05/26/2022
SB 376	<p>(new Title) Relative to Creating A Board to Review Police Incidents Involving Citizens Affected By Mental Health Issues.</p> <p>Sen. Bob Giuda; Rep. Bob Lynn; Rep. Edward Gordon; et al.</p> <p>This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues.</p>	Senate: Sen. Carson Moved to Concur with the House Amendment, , 05/12/2022
SB 390	<p>Relative to Telemedicine and Telehealth.</p> <p>Sen. Kevin Avard; Rep. Jerry Knirk; Rep. Kimberly Rice; et al.</p> <p>This bill revises the definition of telemedicine and telehealth in the context of the practitioner patient relationship.</p>	Senate: Sen. Bradley Moved to Concur with the House Amendment, , 05/12/2022
SB 392	<p>(new Title) Establishing A Commission to Study Insanity and Restoration Of Competency.</p> <p>Sen. Tom Sherman; Sen. Suzanne Prentiss</p> <p>This bill revises the definition in RSA 21:18 of insane or insane person.</p>	House: Inexpedient to Legislate: 05/05/2022
SB 430	<p>Relative to Health and Human Services.</p> <p>Sen. Jeb Bradley</p> <p>1. Establishes a special fund for administration of opioid treatment programs. 2. Establishes a pilot program for individuals with developmental disabilities. 3. Revises the department's authority to recover unauthorized payments by the state. 4. Repeals certain reporting requirements. 5. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located. 6. Creates a separate category of foster care license for kinship care homes. 7. Remove the requirement that the</p>	Senate: Sen. Bradley Moved Nonconcur with the House Amendment, , 05/12/2022
SB 444	<p>Relative to Childhood Adverse Experiences Treatment and Prevention.</p> <p>Sen. Rebecca Whitley; Rep. David Luneau; Rep. Debra Altschiller; et al.</p> <p>This bill directs the department of health and human services to establish a pilot program for children who have experienced adverse childhood events. The bill also makes appropriations to the department of health and human services for child parent psychotherapy (CPP) services for children who have experienced emotional trauma and for family resource centers.</p>	Senate: Enrolled Bill Amendment # 2022-2093e Adopted, , (In recess of 05/26/2022)