

CHAPTER 269  
HB 1604-FN - FINAL VERSION

17Feb2022... 0554h  
31Mar2022... 1160h  
04/21/2022 1566s  
05/05/2022 1972s

2022 SESSION

22-2142  
05/10

HOUSE BILL

***1604-FN***

AN ACT including state medical facilities in the statute providing medical freedom in immunizations, and relative to licensure of case management service providers.

SPONSORS: Rep. Cushman, Hills. 2; Rep. Blasek, Hills. 21; Rep. Roy, Rock. 32; Rep. Pauer, Hills. 26; Rep. Torosian, Rock. 14

COMMITTEE: Health, Human Services and Elderly Affairs

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AMENDED ANALYSIS

This bill requires state hospitals and medical facilities to grant religious and medical exemptions from vaccination requirements, provided that any request for a medical exemption shall include the supporting documentation required by federal regulation. The bill also includes case management agencies in the definition of home health care providers licensed as health facilities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    including state medical facilities in the statute providing medical freedom in immunizations, and relative to licensure of case management service providers.

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

1            269:1 Medical Freedom from Immunization; Exemption for State Medical Facilities. RSA 141-C:1-a,  
2 II(e) is repealed and reenacted to read as follows:

3            (e) Apply to a county nursing home, the New Hampshire state hospital, or any other medical  
4 facility or provider operated by the state of New Hampshire or any political subdivision identified in  
5 paragraph I, which is subject to a valid and enforceable Medicare or Medicaid condition of participation  
6 that imposes a vaccination requirement. Such facilities or providers shall, upon the request of an  
7 individual for whom vaccination is required under federal regulations promulgated by the Centers for  
8 Medicare and Medicaid Services, grant such exemption on medical or religious grounds, subject to the  
9 conditions established in subparagraphs (1) and (2).

10            (1) The written request for a religious exemption shall simply state: "I, (insert requestor's  
11 name), hereby attest that I sincerely hold religious beliefs and/or engage in religious practices or  
12 observances that dictate the refusal to accept the required vaccination(s). (Insert requestor's signature  
13 and date.)" With the assistance of the employee, the employer shall document and evaluate the request  
14 to ensure that the individual submitting the request is covered under the organization's vaccine policy, that  
15 the request is submitted on the appropriate form, and that the requestor has properly signed and dated  
16 the form. The employer shall record the date upon which the request was received in accordance with  
17 company policy. The employer shall maintain the request in organization records for a period of not less  
18 than one year. The employer may deny the request for a religious exemption in cases in which there is a  
19 compelling rationale or evidence to believe the employee is acting fraudulently.

20            (2) The written request for a medical exemption shall include documentation as required  
21 under federal regulations promulgated by the Centers for Medicare and Medicare Services. The employer  
22 shall evaluate the request to ensure that the individual submitting the request is covered under the  
23 organization's vaccine policy, that the request is submitted on the appropriate form, and that the requestor  
24 has properly signed and dated the form. The employer shall record the date upon which the request was  
25 received in accordance with company policy. The employer shall maintain the request in organization  
26 records for a period of not less than one year.

27            269:2 Home Health Care Provider; Reference to Case Management Agency Added. Amend RSA  
28 151:2-b, I to read as follows:

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1           I. "Home health care provider" means any organization, business entity, or subdivision  
2 thereof, *including a case management agency*, whether public or private, whether operated for profit or  
3 not, which is engaged in arranging or providing, directly or through contract arrangement, one or more of  
4 the following: nursing services, home health aide services, or other therapeutic and related services which  
5 may include, but shall not be limited to, physical and occupational therapy, speech pathology, nutritional  
6 services, medical social services, personal care services, and homemaker services, which may be of a  
7 preventive, therapeutic, rehabilitative, health guidance or supportive nature to persons in their places of  
8 residence.

9           269:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 24, 2022  
Effective Date: August 23, 2022

