

Amendment to HB 503

1 Amend the title of the bill by replacing it with the following:

2  
3 AN ACT codifying the council on housing stability and relative to telehealth and medically  
4 assisted treatment for substance use disorder.  
5

6 Amend the bill by replacing all after section 2 with the following:

7  
8 3 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, III(a)(2) to read as follows:

9 (2) By which telemedicine services for primary care~~]~~ **and** remote patient  
10 monitoring~~], and substance use disorder services]~~ shall only be covered in the event that the patient  
11 has already established care at an originating site via face-to-face in-person service. A provider shall  
12 not be required to establish care via face-to-face in-person service when:

13 (a) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted  
14 practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

15 (b) The patient is being treated by, and is physically located in a correctional facility  
16 administered by the state of New Hampshire or a New Hampshire county;

17 (c) The patient is being treated by, and is physically located in a doorway as defined in  
18 RSA 167:4-d, II(c);

19 (d) The patient is being treated by and is physically located in a state designated  
20 community mental health center pursuant to RSA 135; or

21 (e) The patient is being treated by, and physically located in, a hospital or clinic  
22 registered in a manner fully consistent with 21 U.S.C. section 823(f); and

23 4 Controlled Drug Act; Prohibited Acts. Amend RSA 318-B:2, XVI to read as follows:

24 XVI.(a)(1) The prescribing of a non-opioid controlled drug classified in schedule II through  
25 IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA  
26 326-B:2, XII(a)~~], who are treating a patient with whom the prescriber has an in-person practitioner-~~  
27 ~~patient relationship, for purposes of monitoring or follow-up care. A provider shall not be required to~~  
28 ~~establish care via face-to-face in-person service when:~~

29 ~~(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-~~  
30 ~~contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section~~  
31 ~~831(h);~~

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~~(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;~~

~~(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(e);~~

~~(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or~~

~~(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f)].~~

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)(1) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2,

XII(a). ~~[A provider shall not be required to establish care via face-to-face in-person service when:~~

~~(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);~~

~~(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;~~

~~(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(e);~~

~~(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or~~

~~(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).]~~

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

(c) The prescription authority under this paragraph shall be limited to a practitioner licensed to prescribe the drug and in compliance with all federal laws, including the United States Drug Enforcement Agency registration or waiver when required. ~~[An initial face-to-face in-person exam shall be required with the exception of the locations enumerated in this paragraph.]~~

5 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, III and IV to read as follows:

III. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, except substance use disorder (SUD) treatment [as

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permitted in locations enumerated in paragraph IV]. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption.

IV.(a)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a) ~~who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care. A provider shall not be required to establish care via face-to-face in-person service when:~~

~~(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);~~

~~(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;~~

~~(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(e);~~

~~(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or~~

~~(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f)].~~

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)(1) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a). ~~[A provider shall not be required to establish care via face-to-face in-person service when:~~

~~(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);~~

~~(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;~~

~~(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(e);~~

~~(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or~~

~~(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).]~~

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1                   (2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the  
2 drug at intervals appropriate for the patient, medical condition, and opioid, but not less than  
3 annually.

4                   (c) The prescription authority under this paragraph shall be limited to a practitioner  
5 licensed to prescribe the drug and in compliance with all federal laws, including the United States  
6 Drug Enforcement Agency registration or waiver when required. ~~[An initial face-to-face in person~~  
7 ~~exam shall be required with the exception of the locations enumerated in this paragraph.]~~

8                   6 Nurse Practice Act. Amend RSA 326-B:2, XII(c) and (d) to read as follows:

9                   (c) It shall be unlawful for any person to prescribe by means of telemedicine a controlled  
10 drug classified in schedule II through IV ***except for use in substance use disorder treatment.***

11                   (d)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV  
12 by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-  
13 B:2, XII(a)~~[- who are treating a patient with whom the prescriber has an in-person practitioner-~~  
14 ~~patient relationship, for purposes of monitoring or follow-up care, or who are treating patients at a~~  
15 ~~state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse~~  
16 ~~and Mental Health Services Administration (SAMHSA) certified state opioid treatment program,~~  
17 ~~and shall require an initial in-person exam by a practitioner licensed to prescribe the drug].~~  
18 Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals  
19 appropriate for the patient, medical condition and drug, but not less than annually.

20                   (2) The prescribing of an opioid controlled drug classified in schedule II through IV  
21 by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-  
22 B:2, XII(a)~~[- who are treating patients at a SAMHSA certified state opioid treatment program. Such~~  
23 ~~prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe~~  
24 ~~the drug and]~~ Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug  
25 at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

26                   7 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill:

I. Codifies the council on housing stability initially established by the governor in Executive Order 2020-22.

II. Removes certain in-person and physical location requirements for Medicaid reimbursement and under the controlled drug act, the nurse practice act and the physicians and surgeons act to allow for medically assisted treatment for substance use disorder through telemedicine.