

CHAPTER 23  
SB 223 – FINAL VERSION

11Apr2012... 1022h

2012 SESSION

12-2850  
01/10

SENATE BILL        **223**

AN ACT            to make technical revisions relative to the health information organization corporation and relative to the membership of the health information organization board.

SPONSORS:        Sen. White, Dist 9; Rep. Reagan, Rock 1; Rep. L. Ober, Hills 27

COMMITTEE:       Commerce

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AMENDED ANALYSIS

This bill makes technical revisions to the law regarding the health information organization corporation to comply with tax exempt organizational requirements set forth by section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

This bill also changes the membership of the health information organization board.

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Explanation:     Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears [~~in brackets and struck through~~].  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twelve*

AN ACT                   to make technical revisions relative to the health information organization corporation and relative to the membership of the health information organization board.

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

1           23:1 Health Information Organization Corporation; Nonprofit Tax Exemption. Amend RSA 332-  
2 I:7 to read as follows:

3           332-I:7 Corporation Established. There is hereby created a body politic and corporate having a  
4 distinct legal existence separate from the state and not constituting a department of state  
5 government, to be known as the New Hampshire health information organization corporation [~~to~~  
6 ~~carry out the provisions of this chapter~~]. ***The corporation is established exclusively for the***  
7 ***charitable purposes set forth in this chapter, subject to the provisions of this chapter and***  
8 ***section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or any successor***  
9 ***provision of the Internal Revenue Code.*** The corporation is hereby deemed to be a public  
10 instrumentality and the exercise by the authority of the powers conferred by this chapter ***and***  
11 ***section 501(c)(3) of the Internal Revenue Code, and*** shall be deemed and held to be the  
12 performance of essential health information organization functions ***which shall, among other***  
13 ***things, promote the general health of the citizens of the state of New Hampshire.*** The  
14 corporation shall be the state's designated provider of health information exchange services. The  
15 corporation shall be a private nonprofit corporation [~~and~~] ***solely in furtherance of those purposes***  
16 ***that qualify the corporation as exempt from taxation pursuant to section 501(c)(3) of the***  
17 ***Internal Revenue Code, and*** shall have all the powers necessary to carry out the purposes of this  
18 chapter, ***and all activities of the corporation shall be conducted in a manner which is***  
19 ***consistent with the requirements of section 501(c)(3) of the Internal Revenue Code, the laws***  
20 ***of the state of New Hampshire and the bylaws of the corporation,*** including, but not limited to,  
21 the power to receive and accept grants, loans, or advances of funds from any public or private agency  
22 and to receive and accept from any source, contributions of money, property, labor, or any other thing  
23 of value, to be held, used, and applied for the purposes of this chapter. It is intended that the health  
24 information organization established under this chapter be a public-private partnership for the  
25 benefit of all the citizens of ***the state of*** New Hampshire.

26           23:2 New Section; Health Information Organization Corporation; Disposition of Assets. Amend  
27 RSA 332-I by inserting after section 11 the following new section:

28           332-I:12 Disposition of Assets. In the event of the dissolution of the corporation, its remaining  
29 assets after payment of all debts and obligations of the corporation, if any, shall be distributed for

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1 one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code,  
2 or the corresponding section of any future federal tax code, or shall be distributed to the federal  
3 government, or to a state or local government, for a public purpose. Any such assets not disposed of  
4 shall be disposed by a court of competent jurisdiction of the county in which the principal office of the  
5 corporation is then located, exclusively for such purposes or to such organization or organizations as  
6 the court shall determine, which are organized and operated exclusively for such purposes.

7 23:3 Health Information Organization Board; Membership. Amend RSA 332-I:8, I to read as  
8 follows:

9 I. The powers of the corporation shall be vested in ~~[16]~~ **7** members and up to ~~[3]~~ **10** at-large  
10 members. ~~[Except for the members appointed under subparagraphs I(b)-(d),]~~ Members shall serve 3-  
11 year terms. No member shall serve more than 2 full consecutive terms. Members shall be appointed  
12 as follows:

13 (a) ~~[A consumer not affiliated with the health care industry, appointed by the governor.~~

14 ~~(b) Three members of the house of representatives, appointed by the speaker of the~~  
15 ~~house of representatives.~~

16 (c) ~~Three members of the senate, appointed by the president of the senate.~~

17 (d) ~~The commissioner of the department of health and human services, or designee.~~

18 (e) ~~A member of the department of health and human services, office of Medicaid~~  
19 ~~business and policy, appointed by the commissioner.~~

20 (f) A member representing a large hospital, appointed by the New Hampshire Hospital  
21 Association.

22 ~~(g)~~ (b) A member representing a critical access hospital, appointed by the New  
23 Hampshire Hospital Association.

24 ~~(h)~~ (c) An independent practice physician not affiliated with any hospital, appointed by  
25 the New Hampshire Medical Society.

26 ~~(i)~~ (d) A representative of community health centers, appointed by Bi-State Primary  
27 Care Association.

28 ~~(j)~~ (e) A representative of community mental health centers, appointed by the  
29 New Hampshire Community Behavioral Health Association.

30 ~~(k)~~ (f) A retail pharmacist, appointed by the pharmacy board.

31 ~~(l)~~ (g) A representative of home health care agencies, appointed by the Home Care  
32 Association of New Hampshire.

33 ~~(m)~~ (h) The board may appoint up to ~~[3]~~ **10** at-large members with qualifications,  
34 experience, and expertise as identified and determined by the board.

35 23:4 Effective Date. This act shall take effect upon its passage.

36 Approved: April 25, 2012

Effective Date: April 25, 2012