

CHAPTER 145
SB 49 – FINAL VERSION

15Apr2015... 1185h

2015 SESSION

15-0155
01/09

SENATE BILL **49**

AN ACT relative to clinical eligibility determination for long-term care.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Health and Human Services

ANALYSIS

This bill clarifies the professional medical personnel who may determine clinical eligibility for long-term care services under Medicaid.

This bill is a request of the department of health and human services.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to clinical eligibility determination for long-term care.
Be it Enacted by the Senate and House of Representatives in General Court convened:

1 145:1 Long-Term Care; Eligibility. Amend the introductory paragraph of RSA 151-E:3, I and the
2 introductory paragraph of RSA 151-E:3, I(a) to read as follows:

3 I. A person is medicaid eligible for nursing facility services ***or Medicaid home and***
4 ***community-based care waiver services*** if the person is:

5 (a) Clinically eligible for nursing facility care because the person requires 24-hour care
6 for one or more of the following purposes~~[- as determined by registered nurses appropriately trained~~
7 ~~to use an assessment tool and employed by the department, or a designee acting on behalf of the~~
8 ~~department]:~~

9 145:2 Long-Term Care; Eligibility. Amend RSA 151-E:3, II to read as follows:

10 II. ~~[A person is eligible for services under the medicaid waiver if the person has been~~
11 ~~determined clinically eligible under RSA 151-E:3, I(a), and financially eligible pursuant to rules~~
12 ~~adopted by the commissioner under RSA 541-A]. ***Skilled professional medical personnel***~~
13 ***employed by or designated to act on behalf of the department shall determine clinical***
14 ***eligibility in accordance with the criteria in subparagraph I(a). The clinical eligibility***
15 ***determination shall be based upon an assessment tool, approved by the department,***
16 ***performed by skilled professional medical personnel employed by the department, or by an***
17 ***individual with equivalent training designated by the department. The department shall***
18 ***train all persons performing the assessment to use the assessment tool. For the purposes of***
19 ***this section, “skilled professional medical personnel” shall have the same meaning as in 42***
20 ***C.F.R. section 432.50(d)(1)(ii).***

21 145:3 Long-Term Care; Eligibility. Amend RSA 151-E:3, IV to read as follows:

22 IV. If the ~~[registered nurse is]~~ ***skilled professional medical personnel employed by or***
23 ***designated to act on behalf of the department are*** unable to determine that an applicant is
24 eligible following the clinical assessment ***tool*** pursuant to ~~[subparagraph I(a)]~~ ***paragraph II,*** the
25 ~~[registered nurse]~~ ***skilled professional medical personnel*** shall obtain and give substantial
26 weight to clinical information provided by the applicant’s physician or nurse practitioner, including,
27 but not limited to diagnosis, prognosis, and plan of care recommendations, and consider information
28 from other licensed practitioners, including occupational or physical therapists, if available. All
29 clinical information obtained shall also be used in the preparation of the initial support plan.

30 145:4 Effective Date. This act shall take effect 60 days after its passage.

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2 Approved: June 12, 2015

3 Effective Date: August 11, 2015