

Senate Health and Human Services Committee

Cameron Lapine 271-2104

HB 1330-FN, relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline.

Hearing Date: May 1, 2024

Time Opened: 9:30 a.m.

Time Closed: 9:41 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill establishes a disciplinary review panel to consult, review disciplinary investigation findings, and make determinations for the discipline of licensed emergency medical service providers. The bill also requires procedures for the removal of disciplined licensee's names from public records.

Sponsors:
Rep. Proulx

Who supports the bill: Representative Mark Proulx (Hillsborough – District 15).

Who opposes the bill: Justin Cutting (Dept. of Safety) and Janet Lucas.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Mark Proulx

Hillsborough – District 15

- Representative Proulx said HB 1330-FN started personally for him. His ex-partner was on the disciplinary website because she had a violation and her license was suspended. When she passed away, he tried to have her name removed from the website. He was told the Department of Safety (DOS) didn't have the statutory authority to remove her name.
- Rep. Proulx said he had a coworker and friend who got caught in a controversial call and made a split-second decision that wasn't in the normal realm but worked out. Most people who heard of the circumstances said they would have done the same thing. It took 11 months for the state to decide if she would keep her license or not, and there was little feedback on what was happening.

- Rep. Proulx said decisions fall to one person, who is not an emergency medical services (EMS) provider, to make a decision on EMS issues. He said there has to be a better way to do this.
- Rep. Proulx said the House Criminal Justice Committee amended HB 1330-FN to make it a better plan.
- Rep. Proulx said HB 1330-FN would create a panel of three members – one from the EMS Coordinating Board, one from the Medical Control Board, and one from the Medical Review Committee. The panel would receive information from the investigators and have 90 days to review the information. After 90 days, the panel has to reach out and inform the person of their status, as well as give updates every 30 days thereafter.
- Senator Avard asked if his coworker got her license back.
 - Rep. Proulx said she did, because she was right.
- Sen. Avard asked if it took 11 months.
 - Rep. Proulx said it did. He said it shouldn't have been an issue. Anyone would have done the same thing.

Rep. Proulx

Speaking for a Second Time

- Rep. Proulx said he was willing to work on the bill with DOS. DOS had already given him word-for-word what they wanted and they went to the House Criminal Justice Committee with a compromise. When the Chair of the committee asked if everything was all set, the representative from DOS at the time said they needed more time and the amendment was not adopted.

Summary of testimony presented in opposition:

Justin Cutting

Director, Division of Fire Standards and Training and Emergency Medical Services, DOS

- Mr. Cutting said DOS opposes HB 1330-FN as written. Their opposition is technical-based. The bill does not repeal existing authorities granted to the DOS Commissioner, creates conflict with the new review panel, does not give the review panel rulemaking authority, does not authorize agency administrative support, creates conflict with the timeline in RSA 541-A, and conflicts with the existing authority regarding letters of concern.
- Mr. Cutting said there is a process in current law where complaints are investigated and then it goes to the DOS Commissioner to make a final decision.
- Sen. Avard said there was an 11-month period where a person was left hanging. He asked how to get the bureaucracy out of the way and expedite the process. He asked if DOS supported the spirit of the bill.
 - Mr. Cutting said DOS does not have a position on the spirit of HB 1330-FN. It is a policy decision for the General Court to make. Regarding the timeline, Mr.

Cutting said he has been a provider for 30 years. He understands the stress. He works hard to make sure the process is thorough and follows the laws and rules in coming to a result. It is complicated when there are numerous complaints with various degrees of information. It takes weeks or months to do the fact finding. DOS does not have subpoena power so they have to schedule interviews and work with people. He said the average timeline is six months or less.

- Sen. Avaré asked if removing a deceased person from the list of violations could be fixed.
 - Mr. Cutting said that DOS does not have a position on that portion of the bill. It is a policy decision for the General Court to make.
- Sen. Avaré asked if he was able to talk to Rep. Proulx about the issues with the bill.
 - Mr. Cutting said he had.
 - Sen. Avaré asked if there was room for compromise.
 - Mr. Cutting said that what Rep. Proulx is trying to do is a policy decision for the General Court. He said he would share their technical issues and try to work on them.
- Senator Prentiss asked how complaints enter the system.
 - Mr. Cutting said they're in a written format.
- Sen. Prentiss asked if complaints had to be signed or could be anonymous.
 - Mr. Cutting said they can be anonymous.
- Sen. Prentiss asked who made the decision on if a complaint becomes an investigation.
 - Mr. Cutting said he did.

Neutral Information Presented: None.

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Date Hearing Report completed: May 3, 2024