

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**HB 1616**, relative to parental consent for student participation in Medicaid to schools program.

**Hearing Date:** April 17, 2024

**Time Opened:** 10:28 a.m.

**Time Closed:** 10:41 a.m.

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

**Members of the Committee Absent:** Senator Whitley

**Bill Analysis:** This bill requires schools to obtain parental consent for each service is provided to a student under the Medicaid to schools program. The bill also requires certain legislative policy committees to receive reports regarding the Medicaid to schools program.

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**Sponsors:**

Rep. Cordelli

Rep. Hill

Rep. Cushman

Rep. Mazur

Rep. T. Lekas

Rep. Ammon

Rep. Verville

Rep. Phillips

Rep. Kofalt

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**Who supports the bill:** In total, **71** individuals signed in in support of HB 1616. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

**Who opposes the bill:** In total, **26** individuals signed in as opposed to HB 1616. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Representative Katy Peternel**

**Carrol – District 6**

- Representative Peternel said the intent of the bill is to create transparency in parental involvement and to protect parental rights.
- Rep. Peternel said Centers for Medicare and Medicaid Services (CMS) issued new guidance last year related to school billing. She said the intent was to ease administrative burdens on school-based providers. The Department of Health and Human Services (DHHS) and the Department of Education (DOE) are working with

school districts to implement the rules, which are only required under IDEA and FERPA, that schools must obtain written consent for the first instance of care.

- Rep. Peternel said the program includes preventative care, behavioral care, disease management, and mental health care.
- Rep. Peternel said that parents have the right to know about each service being provided to their children.

### **Aubrey Freedman**

- Mr. Freedman said parents are responsible for supervising the medical care of their children. He said this includes every single service and there cannot be a blanket authorization.
- Mr. Freedman said that just because the federal government is paying for the care, there is no reason not to get consent for each service and is even more of a reason to get additional consent. He said this is a financial incentive for providers since someone else is paying for it.
- Mr. Freedman said that minors do not have the worldly wisdom and maturity to decide for themselves. He said parents should be giving consent on behalf of their children.

### **Janan Archibald**

#### **One Sky**

- Ms. Archibald said she is concerned with what is going on within the Medicaid space. She said since the rules are changing, it is now legal to bill outside of an IEP in New Hampshire.
- Ms. Archibald said that a proposed rule in the Federal register would take away parental consent entirely. She said there are great concerns on the wellbeing of the population.
- Ms. Archibald said the parent is the one who aggregates information about their child. She said the process should promote parents staying involved.

### **Summary of testimony presented in opposition:**

#### **Representative Tim Horrigan**

##### **Strafford – District 10**

- Representative Horrigan said the bill seemed unnecessary. He said the bill would modify two RSAs, of which one is in the education statutes and already requires parental consent for treatment. He does not understand the need for paperwork for each diagnostic code.
- Rep. Horrigan said the bill is an unfunded mandate.
- Rep. Horrigan said the definition in RSA 200:27 does not cover when parents or guardians disagree about treatment. He said this is covered in RSA 186-C.
- Rep. Horrigan said the bill would serve no purpose.
- Senator Avard asked if there was a cost to HB 1616.

- Rep. Horrigan said that there would be a cost.
- Sen. Avarad asked why there is no fiscal note attached to the bill.
  - Rep. Horrigan said things fall through the cracks and that the fiscal note would likely be “indeterminable”. He said there is a large cost of more paper going back and forth if it is required for each diagnostic code.

**Neutral Information Presented:** None.

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Date Hearing Report completed: April 22, 2024