

HB 615-FN - AS INTRODUCED

2023 SESSION

23-0234

05/04

HOUSE BILL

***615-FN***

AN ACT

requiring independent audits of reproductive health care facilities.

SPONSORS:

Rep. Edwards, Rock. 31; Rep. Love, Rock. 13; Rep. Seidel, Hills. 29; Rep. Notter, Hills. 12; Rep. Ulery, Hills. 13; Rep. McCarter, Belk. 8; Rep. Harley, Rock. 30; Rep. Potucek, Rock. 13

COMMITTEE:

Health, Human Services and Elderly Affairs

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ANALYSIS

This bill provides that state funds awarded to reproductive health care facilities shall be limited to the minimum amount necessary for participation in the Medicaid program. The bill also requires state contracts with certain reproductive health care facilities to include provisions indicating that state funds shall not be used to subsidize abortion and that the facility shall undergo an independent audit, the results of which will be provided to the executive council prior to taking action on the contract.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT requiring independent audits of reproductive health care facilities.

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

1 1 New Paragraph; Duties of the Department of Health and Human Services; Reproductive  
2 Health Facilities; Independent Audit Required. Amend RSA 161:2 by inserting after paragraph  
3 XVIII the following new paragraph:

4 XIX. Reproductive Health Facilities; Funding; Independent Audit Required.

5 (a) No state funds shall be awarded by the department of health and human services to  
6 a reproductive health care facility, as defined in RSA 132:37, I, except the funding available from the  
7 state pursuant to Title XIX of the Social Security Act to the minimum extent necessary to comply  
8 with federal conditions for the state's participation in the Medicaid program.

9 (b) If a family planning project has any financial or geographic connection to a  
10 reproductive health care facility that provides abortion services, the state contract shall specify the  
11 following:

12 (1) No state funds shall be used to subsidize abortions, either directly or indirectly.

13 (2) The family planning project shall undergo an external, independent audit by a  
14 certified public accountant and provide the results, along with any corrective action plan, to the  
15 commissioner of the department of health and human services, or his or her designated agent or  
16 delegate. The independent audit shall inspect the financial records of the family planning project to  
17 monitor compliance with this section.

18 (3) At least one week prior to any contract action to be taken by the executive  
19 council, the commissioner shall provide, in writing, to the governor and council a true copy of the  
20 audit and a complete corrective action plan if deemed necessary in response to audit findings. Those  
21 copies shall be provided no less than one week prior to any contract action requested of the executive  
22 council. The commissioner shall certify in writing that he or she, personally or through a designated  
23 agent or delegate, has reviewed the expenditure of funds awarded to a family planning project under  
24 this section and that no state funds awarded by the department have been used to provide abortion  
25 services.

26 (4) That if the commissioner fails to make such certification or fails to provide  
27 required documentation to the governor and executive council, based on evidence presented by the  
28 commissioner in his or her certification, find that state funds awarded by the department have been  
29 used to provide abortion services, the grant recipient shall either:

30 (A) Be found to be in breach of the terms of such contract, grant, or award of  
31 funds and forfeit all right to receive further funding; or

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1                           (B) Suspend all operations until such time as the state funded family planning  
2 project is physically and financially separate from any reproductive health facility, as defined in RSA  
3 132:37.

4           2 Effective Date. This act shall take effect July 1, 2023.

**HB 615-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT requiring independent audits of reproductive health care facilities.

**FISCAL IMPACT:**     State             County             Local             None

The Department of Health and Human Services states this bill, as introduced, will have no impact on state, county, or local revenues or expenditures.

**AGENCIES CONTACTED:**

Department of Health and Human Services