

SB 403-FN - AS AMENDED BY THE HOUSE

03/21/2024 1004s
2May2024... 1533h

2024 SESSION

24-2963
09/10

SENATE BILL ***403-FN***

AN ACT relative to the health care workforce.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Whitley, Dist 15; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Chandley, Dist 11; Sen. Fenton, Dist 10; Sen. Prentiss, Dist 5; Sen. D'Allesandro, Dist 20; Rep. Edwards, Rock. 31; Rep. Grote, Rock. 24; Rep. Schapiro, Ches. 16; Rep. Wallner, Merr. 19

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill:

I. Extends the deadlines of the legislative commission on the interdisciplinary primary care workforce issues.

II. Makes clarifying amendments to the nurse practice act statute.

III. Establishes the position of and regulation of community health workers.

IV. Provides directives to 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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Four

AN ACT relative to the health care workforce.

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

1 Purpose and Findings.

I. The state of New Hampshire shall address the health care workforce shortage through establishing programs designed to incentivize students to seek employment in health care and remain in New Hampshire upon graduation; removing career-advancement barriers for our dedicated direct care providers; and equipping health care organizations with the tools necessary to secure skilled clinicians. Voluntary certification of community health workers will aid in addressing the health care workforce shortage.

II. Case managers play a critical role in helping individuals access needed medical, social, educational, and other services, and case managers' ability to serve their clients must be preserved.

2 Commission on the Interdisciplinary Primary Care Workforce Issues; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an interim report on November 1, [2020] **2026** which shall focus on the status of the New Hampshire state loan repayment program and the New Hampshire division of public health service's health professions survey, and a final report on November 1, [2024] **2029**, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, the governor, the oversight committee on health and human services, and the chairpersons of the senate and house executive departments and administration committees.

3 Commission on the Interdisciplinary Primary Care Workforce Issues Extended. Amend 2010, 114:4, I as amended by 2015, 238:4; 2018, 248:3; and 2020, 17:7 to read as follows:

I. Section 3 of this act shall take effect November 1, [2024] **2029**.

4 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend RSA 326-B:27, I to read as follows:

I. The ~~[board]~~ **office of professional licensure and certification** may issue a certificate of medication administration to a current LNA who:

(a) Has participated in and completed a board-approved medication administration education program;

(b) Has been employed as a licensed nursing assistant for one full year;

~~[(b)]~~ **(c)** Has passed an examination approved by the board; and

~~[(c)]~~ **(d)** Has paid the certification fee.

1 326-N:2 Powers and Duties of the Executive Director. The powers and duties of the executive
2 director under this chapter include:

3 I. Accepting applications for certification under this chapter, and approving or denying such
4 applications.

5 II. Conducting disciplinary and non-disciplinary adjudicative proceedings in accordance with
6 RSA 310:10.

7 III. Accepting written complaints against certified community health workers and
8 conducting investigations upon such written complaints in accordance with RSA 310:9.

9 326-N:3 Rulemaking. The executive director shall, in consultation with the New Hampshire
10 area health education centers, adopt rules pursuant to RSA 541-A, relating to the following:

11 I. Establishment and administration of a voluntary certification of community health
12 workers, including criteria for:

13 (a) Minimum and continuing education;

14 (b) Training;

15 (c) Experience; and

16 (d) Other qualifications that the executive director deems appropriate in accordance
17 with the provisions of this chapter; and

18 II. Other matters that the executive director deems appropriate to carry out the provisions
19 of this chapter.

20 326-N:4 Application; Certification Fees; Issuance of Certification; Applicants from Other States.

21 I. Every application for community health worker certification shall be accompanied by a
22 non-refundable registration fee.

23 II. Certification shall be renewed in accordance with RSA 310:8.

24 III. A certified community health worker shall conspicuously display such certification in
25 the principal place of business.

26 326-N:5 Suspension; Revocation or Refusal to Issue Certification. The executive director may
27 deny the application for a certified community health worker and may suspend or revoke the
28 certification issued pursuant to this chapter or refuse to issue a renewal thereof if it is determined
29 after a hearing that such applicant or certified mental health worker:

30 I. Has made a material false statement or concealed a material fact in connection with his or
31 her application for certification;

32 II. Has had a certificate issued under this chapter revoked or suspended previously;

33 III. Has a criminal conviction for crimes involving fraud or fraudulent practices;

34 IV. Has failed to comply with any other provision of this chapter or any rules promulgated
35 by the executive director.

36 326-N:6 Use of Certified Community Health Worker Designation; Exemptions.

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1 I. In order to use the title "certified community health worker", the initials "CCHW", or
2 other designation indicating that the individual is a certified community health worker, an
3 individual shall be certified pursuant to the provisions of this chapter.

4 II. To ensure compliance with the provisions of this chapter or any rule that the executive
5 director has adopted and promulgated pursuant to this chapter, the office of professional licensure
6 and certification may issue cease-and-desist orders to persons violating the provisions of this
7 chapter.

8 III. A community health worker shall engage only in those activities authorized pursuant to
9 this chapter and by rules adopted pursuant to this chapter. While engaging in practice as a
10 community health worker, an individual shall not engage in or perform any act or service for which
11 another professional certificate, license, or other legal authority is required.

12 IV. Certification as a community health worker is voluntary. Nothing in this section shall
13 be construed as requiring community health workers to be certified for purposes of employment.
14 Nothing in this section shall be construed to prevent or restrict the practice, service, or activities of
15 any individual simultaneously certified as a community health worker and licensed, certified,
16 registered, or otherwise legally authorized in the state to engage in the practice of another profession
17 if that individual does not, while engaged in the authorized practice of another profession, use any
18 name, title, the initials "CCHW", or other designation indicating that the individual is a certified
19 community health worker.

20 326-N:7 Telemedicine. Certified community health workers shall be permitted to provide
21 services through the use of telemedicine.

22 326-N:8 Procedure for Complaints; Hearings.

23 All licensing, disciplinary, and non-disciplinary proceeds shall be conducted in accordance with
24 RSA 310, and administrative rules adopted by the executive director.

25 7 Department of Health and Human Services; Division of Public Health Services; Department
26 Directives.

27 I. The department of health and human services, division of public health services, may
28 contract with community-based organizations, including community health centers and family
29 resource centers, to deploy and sustain community health workers that connect families and patients
30 with needed health and supportive services.

31 II. The department may use federal funds where available and general funds within the
32 department's existing budget upon approval of the fiscal committee to sustain the work of
33 community health workers through the fiscal year ending June 30, 2025.

34 III. The department shall develop a brief plan that articulates potential funding alternatives
35 if federal funding is no longer available.

1 IV. The department shall develop a plan to be part of its budget submission in 2025 to fund
2 community health workers at community based organizations including community health centers
3 and family resource centers.

4 8 Medicaid Reimbursement for Certified Community Health Workers; State Plan Amendment.
5 The commissioner of the department of health and human services shall submit a Title XIX
6 Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to allow
7 for reimbursement for the services provided by certified community health workers. Upon approval
8 of the state plan amendment, and as of the effective date of the state plan amendment, the
9 department shall reimburse for services provided by certified community health workers.

10 9 Effective Date.

11 I. Section 6 of this act shall take effect January 1, 2025.

12 II. The remainder of this act shall take effect upon its passage.

SB 403-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1533h)

AN ACT relative to the health care workforce.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$4,650	\$4,650	\$9,300
Revenue Fund(s)	General Fund			
Expenditures	\$0	Approximately \$4.2 million	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	Federal ARPA funds; state general funds			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill establishes various new programs and disciplines in order to address health care workforce shortages in the State. In particular, the bill:

- Extends the work of the Commission on the Interdisciplinary Primary Care Workforce until 2029;
- Allows the Board of Nursing to issue a certificate of medication administration to current Licensed Nursing Assistants (LNA) who meet certain criteria specified in the bill;
- Creates a new chapter (RSA 326-N) establishing and regulating community health workers;
- Allows the Division of Public Health Services within the Department of Health and Human Services to contract with community-based organizations to connect individuals and families with proper supports to manage health care; and
- Requires the Department of Health and Human Services to submit a Title XIX Medicaid state plan amendment to allow for reimbursement of services provided by certified community health workers.

As amended, the bill does not include an appropriation, but rather directs the Department of Health and Human Services to use federal funds where available, as well as general funds within the Department's existing budget (with the approval of the Fiscal Committee) to sustain the work of community mental health workers through the end of FY25. The Department

anticipates that approximately \$4.2 million of federal funds and general funds will be available to use for these purposes.

The Office of Professional Licensure and Certification (OPLC) states that the bill creates obligations and grants authority to the OPLC, in cooperation with the NH area health education centers, to draft rules for a new occupational certification and creates obligations for the executive director to establish fees, create standards of investigations, and procedures for disciplinary action. There may be additional administrative costs to the OPLC in the form of OPLC rule promulgation and legal support. There may also be costs associated with investigation and enforcement. The OPLC is unable to estimate these costs.

The OPLC states that it is unable to determine the number of applicants for the voluntary certification established by the bill. The OPLC assumes the certification fee would be \$155.00 for two years and estimates 30 individuals will choose to be certified in year one and this number will increase each year thereafter. OPLC assumes the increase in revenue will be as follows:

- FY 2024: Not in effect
- FY 2025: \$4,650 (30 new licenses * \$155)
- FY 2026: \$4,650 (30 new licenses * \$155)
- FY 2027: \$9,300 (30 new licenses plus 30 renewals * \$155)

AGENCIES CONTACTED:

Department of Health and Human Services and Office of Professional Licensure and Certification