

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 331 with the following:

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3 331 Department of Health and Human Services; Closed Loop Referral System.
4 Notwithstanding any other provision of the law to the contrary, there shall be no further expansion
5 of the “closed loop referral” system by the department of health and human services beyond that
6 which has been or will be implemented pursuant to the sole source grant agreement to Unite USA
7 Inc. of Nashua in the amount of \$700,000 dated October 19, 2020. Before the department
8 undertakes any further utilization of the closed loop referral system beyond that authorized by the
9 preceding sentence, the legislative oversight committee on health and human services, established in
10 RSA 126-A:13, shall conduct a comprehensive review of the information intended to be stored in the
11 master index file or accessed using the master indexes within and between the closed loop referral
12 system and other interconnected systems. Further, the oversight committee shall assess the privacy
13 protections and access/release limitations afforded by this system, and the adequacy of the
14 procedures utilized by the system to insure that persons using it have given informed consent to the
15 (“opt-in”) release of their personally identifiable information available through the system of
16 systems. The department shall provide all requested data and information regarding the closed loop
17 referral system and systems with which it is intended to interconnect within one week of the request
18 by the oversight committee. The oversight committee shall report its findings and recommendations,
19 if any, to the legislature, the governor, and the department of health and human services by
20 November 1, 2021. The department of health and human services is prohibited from accessing an
21 individual’s information from the closed loop referral system who is not receiving services funded
22 through a department of health and human services program. Within 48 hours of becoming aware of
23 a data breach, Unite USA Inc. shall begin the process of notification by first class mail to all
24 individuals impacted by the data breach. Any individual whose information is intended to be
25 included in the closed loop referral shall retain the right to opt in to the system on each referral and
26 shall not have their personal identifiable information accessed or made available to any other
27 network provider or organization without their consent. Any individual whose information is
28 intended to be included in the closed loop referral shall retain the right to revoke consent to be in the
29 system at any time.