

HB 1246 - VERSION ADOPTED BY BOTH BODIES

19Feb2020... 0370h
06/16/2020 1430s
06/16/2020 1539s

2020 SESSION

20-2516
01/05

HOUSE BILL ***1246***

AN ACT relative to reporting of health care associated infections, establishing a COVID-19 nursing home and long-term care fund, relative to an independent COVID-19 nursing home and long-term care review, needs assessment, and recommendations, authorizing pharmacists to administer a COVID-19 vaccine, and relative to the reimbursement of costs of training nursing assistants.

SPONSORS: Rep. Woods, Merr. 23; Rep. Marsh, Carr. 8

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill:

- I. Clarifies the information that hospitals must report regarding infections.
- II. Requires the department of health and human services to produce certain reports.
- III. Establishes the COVID-19 nursing home and long-term care fund.
- IV. Requires an independent review of long-term care needs.
- V. Transfers money to the child care scholarship program.
- VI. Authorizes pharmacists to administer a COVID-19 vaccine if one is available.
- VII. Requires reporting of disbursements of federal CARES Act funds.
- VIII. Requires the commissioner of health and human services to amend the state Medicaid plan amendment and adopt rules for reimbursement of the costs of training nursing assistants.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19Feb2020... 0370h
06/16/2020 1430s
06/16/2020 1539s
20-2516
01/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to reporting of health care associated infections, establishing a COVID-19 nursing home and long-term care fund, relative to an independent COVID-19 nursing home and long-term care review, needs assessment, and

recommendations, authorizing pharmacists to administer a COVID-19 vaccine, and relative to the reimbursement of costs of training nursing assistants.

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

1 Residential Care and Health Facility Licensing; Reporting of Health Care Associated Infections. Amend RSA 151:33, II(b) to read as follows:

(b) Hospitals shall also initially identify, track, and report process measures including[+:

~~(1) Adherence rates of central line insertion practices;~~

~~(2) Surgical antimicrobial prophylaxis; and~~

~~(3) coverage rates of influenza vaccination for health care personnel and patients/residents.~~

2 Residential Care and Health Facility Licensing; Reporting of Health Care Associated Infections. Amend RSA 151:33, III and IV to read as follows:

III. Subsequent to the initial requirements identified in paragraphs II, II-a, or II-b, the department shall, from time to time, require the tracking and reporting of other types of infections *and measures* when reporting protocols are identified by the department, that occur in hospitals, end-stage renal dialysis centers, and ambulatory surgical facilities in consultation with technical advisors, ***which shall include the Centers for Disease Control and Prevention (CDC), Centers for Medicare and Medicaid Services (CMS) Hospital Inpatient Quality Reporting Program, and the National Quality Forum***, who are regionally or nationally-recognized experts in the prevention, identification, and control of health care associated infections and the reporting of performance data. ***All required tracking and reporting of other types of infections and measures shall be consistent with the requirements supported by the CDC, CMS Hospital Inpatient Quality Reporting Program, or the National Quality Forum.***

IV. The commissioner of the department shall adopt rules, pursuant to RSA 541-A, for hospital, end-stage renal dialysis center, nursing and residential care facility, the New Hampshire veterans' home, assisted living residence, and ambulatory surgical facility identification, tracking, and reporting of infections, *measures*, and/or coverage rates of influenza vaccinations as required in this section which shall be consistent with the recommendations of recognized centers of expertise in the identification and prevention of infections including, but not limited to the National Health Care Safety Network and the Healthcare Infection Control Practices Advisory Committee of the Centers for Disease Control and Prevention or its successor, the Joint Commission on the Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, the Hospital Quality Alliance, the National Quality Forum, and the New Hampshire health care quality assurance commission under RSA 151-G.

3 Health and Human Services Reports Required. The commissioner of the department of health and human services shall, beginning July 15, 2020, and monthly thereafter until July 15, 2021, report to the joint legislative fiscal committee any reductions to appropriations contained in the state operating budget for the biennium ending June 30, 2021. Such reports shall indicate reductions by class line and accounting unit.

4 New Subparagraph; State Treasurer; Application of Receipts; COVID-19 Nursing Home and Long-term Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys credited to the COVID-19 nursing home and long-term care fund established in RSA 151-E:22.

5 New Subdivision; COVID-19 Nursing Home and Long-Term Care. Amend RSA 151-E by inserting after section 21 the following new subdivision:

COVID-19 Nursing Home and Long-Term Care

151-E:22 COVID-19 Nursing Home and Long-Term Care Fund Established. There is established in the state treasury a COVID-19 nursing home and long-term care fund. The fund shall be administered by the commissioner of the department of health and human services and shall be nonlapsing and continually appropriated to the department of health and human services for the purposes of this section. The state treasurer shall transfer \$25,000,000 from federal CARES Act moneys received by the state into the fund for the purpose of assisting nursing homes as defined in RSA 151-A:1, IV, nursing facilities as defined in RSA 151-E:2, V, residential care facilities as defined in RSA 151-E:2, VIII, long-term care facilities as defined in RSA 151-E:19, I(e), and the New Hampshire veterans' home, in meeting all applicable state and federal standards and guidances related to COVID-19, including for testing and personal protective equipment, for video conferencing technology of family members of residents, and for keeping open and avoiding layoffs at any such facilities that accept Medicaid, and to pay the qualified grantee pursuant to RSA 151-E:23 The fund may accept and expend additional funds for the purposes of this section as directed by the governor, or the general court through the fiscal committee of the general court.

151-E:23 Independent COVID-19 Nursing Home and Long-Term Care Review, Needs Assessment and Recommendations. The commissioner of the department of health and human services shall issue a request for proposals for a qualified grantee, with the approval of governor and council, to undertake an independent review of the COVID-19 situation in long-term care and nursing homes in New Hampshire and provide a needs assessment to provide recommendations for further COVID-19 related funding, safety and

public health upgrades, standards and rules for nursing homes, nursing facilities, residential care facilities, long-term care facilities, and the New Hampshire veterans' home, and providing a preparedness plan in the event of a second COVID-19 wave for such facilities, to be submitted to the governor, the chairpersons of the house and senate finance committees, the chairpersons of the senate health and human services committee and the house health, human services and elderly affairs committee, and the committee to study the safety of residents and employees in long-term care facilities, no later than October 1, 2020. Neither the governor, the governor's office, nor the commissioner shall direct this independent review and needs assessment but each shall respond to any requests for information from the grantee. The grantee shall include in the final report all such requests for information and whether such requests were responded to or not responded to. The commissioner shall direct payment to the grantee conducting the independent review and needs assessment required in this section from the COVID-19 nursing home and long-term care fund established in RSA 151-E:22.

6 New Hampshire Child Care Scholarship for Working Families. The treasurer and the governor shall transfer \$10,000,000 from federal CARES Act moneys received by the state to the department of health and human services, division for children, youth, and families, for the purposes of augmenting the child care scholarship program. As a result of these additional funds, for the period of July 1, 2020 through June 30, 2021, the commissioner shall expand program eligibility to include families up to 275 percent of federal poverty guidelines and shall proportionally enhance program assistance across all tiers.

7 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows: 318:16-b Pharmacist Administration of Vaccines. A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer influenza vaccines to the general public and a pharmacist or pharmacy intern may administer pneumococcal and varicella zoster vaccines to individuals 18 years of age or older, provided all of the criteria in this section have been met. ***A pharmacist or pharmacy intern under the direct supervision of an immunizing pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable criteria in this section have been met. The pharmacist or pharmacy intern administering a COVID-19 vaccine shall notify the patient's primary care physician.*** The pharmacist and pharmacy intern shall:

- I. Hold a current license to practice as a pharmacist or be registered as a pharmacy intern under RSA 318:15-b in New Hampshire.
- II. Possess at least \$1,000,000 of professional liability insurance coverage.
- III. In order to administer influenza, pneumococcal, and varicella zoster vaccines, have completed training specific to the administering of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.
- IV. Provide to the board evidence of compliance with paragraphs I-III.
- V. Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal and varicella zoster vaccines.
- VI. Maintain a record of administration of pneumococcal and varicella zoster vaccinations for each individual as required by state and federal law.

8 Online Access to Budget Information and Reports; CARES Act Funding; Report Required. Beginning July 1, 2020 through June 30, 2021, the commissioner of the department of administrative services and the governor's office for economic relief and recovery, shall separately report on the state's transparency website consistent with the requirements of RSA 9-F:1, the disbursement of all CARES Act funds, in a check register format, including the amount of the payment, the date of the payment, the person or entity to whom the payment was made, the title and number of the accounting unit and class code, the title and number of the expense account, and a brief description of the disbursement.

9 Purpose and Findings. The general court finds that:

- I. Licensed nursing assistants are the front-line providers of direct care in many settings, including hospitals and nursing homes. New Hampshire has recently seen a net loss of licensed nursing assistants, to the detriment of the staffing necessary to ensure continuity and quality of care.
- II. Under federal law, including 42 C.F.R. section 483.158, federal financial participation is allowed for the reimbursement of training expenses of those nursing assistants who go to work in nursing homes. While nursing assistants might incur those costs themselves, they are often incurred by a prospective employer.
- III. It is the intent of the general court to remove any unreasonable barriers to the licensure and training of nursing assistants.

10 Health Facility Licensing; Costs of Training for Nurse Assistants; State Plan Amendment. The commissioner of the department of health and human services shall amend, as deemed necessary, the Title XIX Medicaid state amendment to the federal Centers for Medicare and Medicaid Services to implement the provisions of sections 9 and 11 of this act for the purpose of providing reimbursement, to the maximum extent possible, for the cost of training for assistants to nurses in facilities licensed under RSA 151:2 for approved programs under RSA 326-B.

11 Health Facility Licensing; Costs of Training for Nurse Assistants. Amend RSA 151:9, I(k) to read as follows:

(k) Procedures for reviewing documentation of the mandatory completion of, **and reimbursement for**, a state approved program under RSA 326-B for assistants to nurses in facilities licensed under RSA 151:2[~~who may not assume the responsibility of the position of an assistant to nurses prior to completion of the appropriate course required by this chapter~~] **in accordance with the Title XIX Medicaid state plan.**

12 Effective Date.

I. Sections 1, 2, and 9-11 of this act shall take effect 60 days after its passage.

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

LBAO

20-2516

Amended 6/29/20

HB 1246- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENTS #2020-1430s and #2020-1539s)

AN ACT relative to reporting of health care associated infections, establishing a COVID-19 nursing home and long-term care fund, relative to an independent COVID-19 nursing home and long-term care review, needs assessment, and recommendations, authorizing pharmacists to administer a COVID-19 vaccine, and relative to the reimbursement of costs of training nursing assistants.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	\$0	\$0
Funding Source:	<input checked="" type="checkbox"/> General funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Federal

METHODOLOGY:

Sections 1-2, relative to reporting of health care association infections:

Based on information provided by the Department of Health and Human Services, these sections are not expected to have a fiscal impact.

Section 3, requiring the Department of Health and Human Services to provide a monthly report to the Fiscal Committee identifying any reductions to appropriations contained in the operating budget for FY 2021:

Based on information provided by the Department of Health and Human Services, this section is not expected to have a fiscal impact.

Sections 4-5, relative to nursing homes and long-term care:

These sections add new language establishing a COVID-19 nursing home and long-term care fund. The fund shall be administered by the Department of Health and Human Services and shall be nonlapsing and continually appropriated to the Department for the purposes of this section. The State Treasurer shall transfer \$25 million from federal Coronavirus Aid, Recovery, and Economic Security (CARES) Act moneys received by the State into the fund for the purpose of assisting nursing homes, nursing facilities, residential care facilities, long-term care facilities, and the New Hampshire veterans' home, in meeting all applicable state and federal standards and guidances related to COVID-19.

The sections also require the Department to issue a request for proposals for a qualified grantee to undertake an independent review of the COVID-19 situation in long-term care and nursing homes in New Hampshire and provide a needs assessment to provide recommendations for further COVID-19 related funding, safety and public health upgrades, standards and rules for nursing homes,

nursing facilities, residential care facilities, long-term care facilities, and the New Hampshire veterans' home, and providing a preparedness plan in the event of a second COVID-19 wave for such facilities. The commissioner shall direct payment to the grantee conducting the independent review from newly-established COVID-19 nursing home and long-term care fund. The Department states that the overall fiscal impact of these sections is indeterminable.

Section 6, relative to CARES funding for child care scholarships:

This sections requires the Treasurer to transfer \$10 million from federal CARES Act moneys received by the State to the Department of Health and Human Services, division for children, youth, and families, for the purposes of augmenting the child care scholarship program. As a result of these additional funds, for the period of July 1, 2020 through June 30, 2021, the commissioner shall expand program eligibility to include families up to 275 percent of federal poverty guidelines and shall proportionally enhance program assistance across all tiers.

Section 7, allowing pharmacists to administer a COVID-19 vaccine:

The Office of the Legislative Budget Assistant states that this section is not expected to have a fiscal impact.

Section 8, requiring the Department of Administrative Services to track all CARES Act funding:

The Office of the Legislative Budget Assistant is unable to determine the fiscal impact of this section.

Section 9, relative to the reimbursement costs of training nursing assistants:

Based on information provided by the Department of Health and Human Services, this section is not expected to have a fiscal impact.

AGENCIES CONTACTED:

Department of Health and Human Services