

End of Session Update

New Hampshire

Unless otherwise indicated, the following bills have passed both the House and Senate and are either awaiting Gubernatorial action (enrolled) or have been signed by the Governor.

[HB 1003 – Prohibiting Health Care Providers From Refusing to Provide Care or Services Based On Patient Vaccination Status](#)

This bill prohibits health care providers from refusing to provide care or services based on patient vaccination status.

[HB 1022 – Permitting pharmacists to dispense the drug Ivermectin by means of a standing order and establishing a commission to study the use of Ivermectin to treat Covid-19.](#)

The authority to dispense is repealed July 1, 2024. *DH opposed and is advocating for Governor to veto.*

[HB 1030 – Relative to licensure by alternate experience for licensed nursing assistant](#)

This bill clarifies requirements for alternate experience licensure of nursing assistants.

[HB 1439 - Relative to Hospital Visitation Policies.](#)

This bill allows, with limited exception, a patient to designate a parent, spouse, family member, or other caregiver to be present while the patient receives hospital care. *The bill was amended to enable necessary provider flexibility.*

[HB 1455 – Relative to State Enforcement Of Federal Vaccination Mandates.](#)

This bill prohibits state enforcement of any federal law, order, or rule that requires an individual, as a condition of employment or any other activity, to provide proof of vaccination against COVID-19 or to submit more than once per month to COVID-19 testing. *Amended to carve out health care providers subject to federal conditions of participation that impose a vaccine requirement.*

[HB 1495 – Relative to Vaccine Mandates For Government Contractors.](#)

This bill prohibits employee vaccine requirements for government contractors. *Amended to carve out health care providers subject to federal conditions of participation that impose a vaccine requirement.*

[HB 1604 – Including State Medical Facilities In The Statute Providing Medical Freedom In Immunizations.](#)

This bill repeals the exemption of county nursing homes, the state hospital, and any other medical facility or provider operated by the state or a political subdivision from the statute pertaining to medical freedom in immunizations – *subject to the same amendment as noted above.*

[HB 1606 – Making The State Vaccine Registry An Opt-in Program.](#)

This bill would make the state immunization registry an opt-in or opt-out program rather than an opt-out program. *DH opposed and is advocating for Governor to veto.*

HB 1609 - Relative to The Scope Of The Fetal Protection Act.

This bill clarifies the ultrasound requirement and adds an exception to the 24 week abortion prohibition for fetal anomalies incompatible with life.

HB 1659 – Relative to Criminal History Background Checks For Certain Health Care Workers.

This bill removes a redundant, time consuming provision for criminal history background checks.

HB 1661 – Relative to the Department of Health and Human Services

An omnibus bill with several pieces pertaining to the NH DHHS, including provisions that:

- Increases Medicaid rates 25% for hospital birthing services
- Establishes a special fund for administration of opioid treatment programs
- Permits a physician licensed in another state to provide consultation services or follow up care via telemedicine to an existing patient
- Expands the state Medicaid plan to include preventative health care benefits for chronic care management
- Revises the “look back” period for Medicaid eligibility for long term care
- Establishes new positions for inpatient treatment of children’s behavioral health
- Creates incentives and establishes requirements for workforce housing and affordable housing development

SB 210 – Relative to the sale of manufactured housing parks.

This bill clarifies the notification requirements imposed upon manufactured housing park owners prior to selling manufactured housing parks.

SB 228 – Relative to the regulation and practice of physician assistants.

This bill modifies the regulation of physician assistants.

SB 277 – Relative to emergency or temporary health care licenses.

This bill extends the expiration date for the emergency licensing process, the licensing of out-of-state pharmacies as temporary mail-order facilities, and the emergency or temporary licensing of health care workers enacted in SB155-FN (2021), and extends the repeal dates of those provisions.

SB 335 – Relative to collaborative pharmacy practice agreements.

This bill clarifies collaborative pharmacy practice agreements.

Vermont

The Vermont General Assembly passed the Fiscal Year 2023 budget and completed work on several other bills. Below are highlights of health care-related legislation passed by the House and Senate this year. The bills have either been signed by the Governor or otherwise passed into law without his signature.

[Act 83 \(H.679\) – Budget Adjustment](#)

This Act adjusts for the current fiscal year budget by \$357 million. It funds Medicaid caseload and utilization increases, provides funding to the Agency of Human Services to address emergent and exigent circumstances related to the pandemic, and \$60 million for a health care staff recruitment and retention grant program.

[Act 85 \(H.654\) – COVID Flexibilities](#)

This Act extends many of the health care provider regulatory flexibilities contained in [Act 6 of 2021](#) to March 31, 2023.

[Act 87 \(S.4\) – Prohibition of Firearms](#)

This Act strengthens firearm background checks and bans guns in hospitals. The bill includes the Governor's compromise allowing firearm sales to be approved if background checks take longer than seven days to complete.

[Act 97 \(S.74\) – Patient Choice at End-of-Life](#)

The law modifies Vermont's patient choice at end-of-life laws, originally passed in 2013. The bill would allow patients to request the prescription via telemedicine instead of in the physical presence of the physician, if clinically appropriate. It eliminates the current 48-hour waiting period between a patient finishing the request process and obtaining the prescription. The bill also provides immunity for any person on the care team who acts in good faith compliance with the provisions of Vermont's patient choice at end-of-life laws.

[Act 107 \(H.655\) – Telehealth Licensure](#)

H.655 establishes a tiered approach to telehealth licensure, effective July 1, 2023.

- Registration: for less than 120 days and fewer than 10 patients.
- Telehealth License: for up to two years, renewable, up to 20 patients.
- Full License or Compact: for two years, renewable, and 20 or more patients.
- Provides fees to cover the costs of regulating out-of-state telehealth professionals.

Until the effective date of H.655, health care providers must still register to practice telehealth in Vermont pursuant to H.654.

[Act 108 \(H.266\) – Insurance Coverage for Hearing Aids](#)

The bill ensures continued coverage of hearing aids and related services in Medicaid by codifying it in statute, affirms ongoing efforts to make hearing aids and related services part of Vermont's Essential Health Benefit benchmark plan coverage beginning in plan year 2024, and makes hearing aids and related services more accessible by requiring coverage in the large group health insurance plans, which currently do not cover hearing aids.

Date: June 2, 2022

[Act 112 \(S.197\) – Mental Health Supports](#)

The bill appropriates \$3 million from the federal Elementary and Secondary School Emergency Relief Fund to the Agency of Education for grants to help address student social emotional and mental health needs. Out of the \$3 million, \$500,000 is for statewide COVID-19 recovery support for educators.

[Act 113 \(S.206\) – Cognitive Impairments](#)

The law provides planning and support for individuals and families impacted by Alzheimer’s Disease and related disorders. The bill incorporates Alzheimer’s Disease and related disorders to the State Plan on Aging process, which will address: (1) home-based care or placements and hospital and long-term care placements and transitions to and from care in home, hospital, and long-term care settings; (2) support and education for families and caregivers; and (3) strategies to promote affordable and accessible long-term care and home- and community-based services.

[Act 117 \(H.661\) – Licensure of Mental Health Professionals](#)

The legislature approved H.661, a bill that amends regulations related to the licensure of mental health professionals. The bill adds continuing education requirements for psychologists in systemic oppression and anti-oppressive practices, allows for transferrable continuing education credits for one profession to count for another mental health profession, and creates a new licensing board administrator position within the Secretary of State’s Office.

[Act 119 \(H.287\) – Patient Financial Assistance](#)

Standardizes eligibility thresholds for financial assistance policies in Vermont hospitals. The new standards take effect in 2024.

[Act 130 \(H.279\) – Department of Vermont Health Access Miscellaneous Changes](#)

The bill makes miscellaneous changes affecting the duties of the Department of Vermont Health Access (DVHA). It consolidates DVHA’s prescription drug program reporting requirements and removes a requirement that DVHA report proposed changes to the Medicaid preferred drug list or the department’s drug utilization review procedures to the General Assembly prior to implementation.

[Act 131 \(H.353\) – Pharmacy Benefit Managers](#)

Increases the regulation and transparency of pharmaceutical benefits manager (PBM) practices. The bill sets up the conditions under which a health insurer may designate a pharmacy to dispense medication directly to a patient or health care professional for administration to the patient in a health care setting (commonly referred to as “brown bagging” and “white bagging”).

[Act 137 \(H.489\) – No Surprises Act and Merged Insurance Market](#)

The bill will bring Vermont law into compliance with the federal “No Surprises Act”.

Bills Awaiting Action by the Governor

[H.728 – Opioid Response Services](#)

Among other things, this bill, related to opioid overdose response services, addresses prior authorization requirements for medication-assisted treatment within the Medicaid program.

[H.740 – FY2023 State Appropriations](#)

In addition to approving an \$8.3 billion FY2023 budget that appropriates substantial funds to an array of health agencies and services, including funds for HCBS, the Legislature also passed [S.11 - Workforce Development and Economic Development Omnibus Bill \(formerly Robocalls\)](#), which includes \$84.5 million in American Rescue Plan Act (ARPA) and General Fund appropriations toward workforce and economic development, including several health care workforce specific programs – from creating a nursing pipeline or apprenticeship program to loan repayment programs.

[S.90 - Amyotrophic Lateral Sclerosis \(ALS\) Registry](#)

The legislature approved a bill that would establish an amyotrophic lateral sclerosis (ALS) registry.

[S.285 – Health Care Reform](#)

Lawmakers approved a bill related to health care reform initiatives, data collection, and access to home- and community-based services that contemplates a subsequent All-Payer Model between the state and CMMI as well as formulation of a plan to sustainably transform Vermont’s health care delivery system.