LEGISLATIVE COMMITTEE MINUTES

HB188

Bill as Introduced

HB 188 - AS INTRODUCED

2023 SESSION

23-0414
05/10

HOUSE BILL *188*

AN ACT relative to the duration of physical therapy.

SPONSORS: Rep. Popovici-Muller, Rock. 17; Rep. Layon, Rock. 13; Rep. Rochefort, Graf. 1; Rep. McMahon, Rock. 17; Rep. Read, Rock. 10; Rep. Kuttab, Rock. 17; Rep. Nagel, Belk. 6; Rep. Wheeler, Hills. 33

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill removes the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 188 - AS INTRODUCED

23-0414
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the duration of physical therapy.

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

1 Physical Therapy Practice Act; Referral to Health Care Professional. Amend RSA 328-A:9, II to read as follows:

II. A physical therapist shall refer a patient or client to appropriate health care practitioners when:

(a) The physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice; or

(b) Physical therapy is contraindicated[~~; or~~

~~(c) There is no documented improvement within 25 calendar days of the initiation of treatment~~].

2 Effective Date. This act shall take effect 60 days after its passage.

HB 188 - VERSION ADOPTED BY BOTH BODIES

2023 SESSION

23-0414
05/10

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2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 231
HB 188 - FINAL VERSION

2023 SESSION

23-0414
05/10

HOUSE BILL *188*

AN ACT relative to the duration of physical therapy.

SPONSORS: Rep. Popovici-Muller, Rock. 17; Rep. Layon, Rock. 13; Rep. Rochefort, Graf. 1; Rep. McMahon, Rock. 17; Rep. Read, Rock. 10; Rep. Kuttab, Rock. 17; Rep. Nagel, Belk. 6; Rep. Wheeler, Hills. 33

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill removes the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment.

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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.

CHAPTER 231
HB 188 - FINAL VERSION

23-0414
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the duration of physical therapy.

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

231:1 Physical Therapy Practice Act; Referral to Health Care Professional. Amend RSA 328-A:9, II to read as follows:

II. A physical therapist shall refer a patient or client to appropriate health care practitioners when:

(a) The physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice; or

(b) Physical therapy is contraindicated[~~; or~~

~~(c) There is no documented improvement within 25 calendar days of the initiation of treatment~~].

231:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 08, 2023
Effective Date: October 07, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Health and Human Services

Sen Regina Birdsell, Chair
Sen Kevin Avard, Vice Chair
Sen Jeb Bradley, Member
Sen Rebecca Whitley, Member
Sen Suzanne Prentiss, Member

Date: March 15, 2023

HEARINGS

Wednesday	03/22/2023
(Day)	(Date)

Health and Human Services	Legislative Office Building 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 66**	establishing a committee to study non-pharmacological treatment options for patients with chronic pain.
9:15 a.m.	**HB 188**	relative to the duration of physical therapy.
9:30 a.m.	**HB 223**	relative to prescription refills.
9:45 a.m.	**HB 500**	relative to prescribing opioids via telehealth medicine.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 66
Rep. Merchant
Rep. Nagel

HB 188
Rep. Popovici-Muller
Rep. Read
Rep. Layon
Rep. Kuttab
Rep. Rochefort
Rep. Nagel
Rep. McMahon
Rep. Wheeler

HB 223
Rep. D. McGuire
Rep. Merchant

HB 500
Rep. Hakken-Phillips
Rep. J. Murphy

Cameron Lapine 271-2104

Regina Birdsell
Chairman

Senate Health and Human Services Committee

Cameron Lapine 271-2104

HB 188, relative to the duration of physical therapy.

Hearing Date: March 22, 2023

Time Opened: 9:17 a.m. **Time Closed:** 9:22 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill removes the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment.

Sponsors:

Rep. Popovici-Muller	Rep. Layon	Rep. Rochefort
Rep. McMahon	Rep. Read	Rep. Kuttab
Rep. Nagel	Rep. Wheeler	

Who supports the bill: Representative Daniel Popovici-Muller (Rockingham County District 17), Representative Erica Layon (Rockingham County District 13), Representative David Rochefort (Grafton County District 1), Representative Charles McMahon (Rockingham County District 17), Representative Ellen Read (Rockingham County District 10), Representative Katelyn Kuttab (Rockingham County District 17), Representative David Nagel (House District Belknap 6), Representative Jonah Wheeler (Hillsborough County District 33), and Ryan Donnelly.

Who opposes the bill: None.
Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Daniel Popovici-Muller

Rockingham County District 17

- Representative Popovici-Muller said HB 188 removes a section from RSA 328-A:9 requiring a physical therapist to refer a patient to another provider if there has been no documented improvement in the 25 days after the initiation of treatment.
- Rep. Popovici-Muller said there were concerns over the existing statute because patients were unable to receive physical therapy because of the necessary request to get a physician referral after 25 days of therapy. He said some serious injuries will not see improvement over a 25 day period.
- Rep. Popovici-Muller said HB 188 was added to the House Consent Calendar by a

unanimous vote by the House Health, Human Services, and Elderly Affairs Committee.

- Rep. Popovici-Muller said he was concerned that the existing statute harmed uninsured patients, that physical therapy is expensive, and that the requirement for a physician referral if there is no improvement within 25 days was burdensome. He said that it takes time to see a physician and not everybody can get a convenient appointment.
- Rep. Popovici-Muller said bad actors are an issue in every industry. He said RSA 328-A:9 protects against potential abuse in section II:A. He added that licensing board and regulating bodies are in place to protect patients.
- Rep. Popovici-Muller said everyone that testified in the House agreed that HB 188 is necessary and that it is a minor change that will have small positive impacts with no significant downsides.

Representative David Nagel
Belknap County District 6

- Representative Nagel discussed his experiences in physical rehabilitation and with working with physical therapists for over 35 years.
- Rep. Nagel said HB 188 works very well with HB 66.
- Rep. Nagel said physical therapists need to have a doctorate in order to practice.
- Rep. Nagel said that, after years of working with doctors, he had found that they have no clue what physical therapists actually do. He said he found it confusing that physicians have the ability to control referrals to physical therapists.
- Rep. Nagel said that it is important to give more autonomy to physical therapists. He discussed Australia's system, where patients do not need a doctor's referral for physical therapy. He said that, because of this system, Australia develops the best physical therapists in the world through a creative control system.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

cml
Date Hearing Report completed: March 24, 2023

Speakers

Senate Health & Human Services Committee
SIGN-IN SHEET

Date: Wednesday March 22nd, 2023 **Time:** 9:15 a.m.

HB 188 AN ACT relative to the duration of physical therapy.

Name/Representing *(please print neatly)*

	Support	Neutral	Oppose	Speaking?	Yes	No
MAGGIE DONOHUE	☒	☐	☐		☐	☒
Paula Monighan LCMHospital Assoc	☒	☐	☐		☐	☒
PRIME SPONSOR DANIEL POPOVICI-MULLER	☒	☐	☐		☒	☐
David Nagel	☒	☐	☐		☒	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐
	☐	☐	☐		☐	☐

Senate Remote Testify

Health and Human Services Committee Testify List for Bill HB188 on 2023-03-

Support: 1 Oppose: 0

Name	Title	Representing	Position
Donnelly, Ryan	A Member of the Public	Granite State Independent Living	Support

Testimony

Introduction for House Bill HB188

Good morning Madam Chairman and members of the committee,

House Bill 188 updates our statutes to allow physical therapists to practice without the need to check in with another healthcare provider for permission to continue to treat a patient. This passed out of committee in the house with unanimous support, including the support of a pain doctor, a pharmacist and an orthopedic surgeon.

Training for physical therapists has increased tremendously over time, and is on par with the training and expectation of knowledge of other medical professionals who are free to practice without oversight of a different medical professional. Further, any physical therapist who trained under the old model has many, many years of experience.

The current law requires a physical therapist to refer a patient to a different healthcare practitioner if there is no documented improvement within 25 calendar days of the beginning of treatment.

What kind of improvement is needed? What if the patient gets sick and has to isolate for a week or two of that time? What if the patient intentionally wants to improve a longstanding problem and expects therapy to take much longer than 25 days for meaningful improvement?

Today, we count on our physical therapists to refer as appropriate and that will remain in law, see lines 1 through 7 of the bill. This means that a physical therapist with a post-surgical patient will not wait 25 days to refer, they would do so as soon as they see a need.

Physical therapist are not second class providers. They should be enabled to practice to the top of their licensing and training. This bill removes the arbitrary requirement to defer to another provider to continue to do what they have trained to do.

Please pass this bill, and help reduce the red tape in our strained healthcare system.

Thank you,
Erica Layon
Co-sponsor of HB188 and Vice Chairman of House Health Human Services and Elderly Affairs

Voting Sheets

Senate Health and Human Services Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 188

Hearing date: 3-22-23

Executive Session date: 3-22-23

Motion of: OTP **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	X			X	
Sen. Avard, Vice Chair	X	X		X	
Sen. Bradley	X			X	
Sen. Whitley	X			X	
Sen. Prentiss	X		X	X	

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	X			X	
Sen. Avard, Vice Chair	X		X	X	
Sen. Bradley	X	X		X	
Sen. Whitley	X			X	
Sen. Prentiss	X			X	

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair					
Sen. Avard, Vice Chair					
Sen. Bradley					
Sen. Whitley					
Sen. Prentiss					

Reported out by: Sen. Avard

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 22, 2023

THE COMMITTEE ON Health and Human Services

to which was referred **HB 188**

AN ACT relative to the duration of physical therapy.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Kevin Avard
For the Committee

HB 188 removes the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment. There are some injuries that simply do not respond in documentable ways after only 25 days of treatment. Requiring a referral back to a health care provider after that time adds a barrier to timely, medically appropriate care for patients. HB 188 will remove that barrier and allow physical therapists to practice their specialty as they see fit for the needs of the patient.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

HEALTH AND HUMAN SERVICES

HB 188, relative to the duration of physical therapy.
Ought to Pass, Vote 5-0.
Senator Kevin Avard for the committee.

HB 188 removes the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment. There are some injuries that simply do not respond in documentable ways after only 25 days of treatment. Requiring a referral back to a health care provider after that time adds a barrier to timely, medically appropriate care for patients. HB 188 will remove that barrier and allow physical therapists to practice their specialty as they see fit for the needs of the patient.

General Court of New Hampshire - Bill Status System

Docket of HB188

Docket Abbreviations

Bill Title: relative to the duration of physical therapy.

Official Docket of **HB188.:**

Date	Body	Description
1/3/2023	H	**Introduced** 01/04/2023 and referred to Health, Human Services and Elderly Affairs
2/1/2023	H	Public Hearing: 02/09/2023 09:00 am LOB 201-203
2/9/2023	H	Executive Session: 02/15/2023 01:00 pm LOB 201-203
2/16/2023	H	Committee Report: Ought to Pass 02/15/2023 **(Vote 20-0; CC) HC 12** P. 5
2/22/2023	H	**Ought to Pass:** MA VV 02/22/2023 **HJ 6** P. 7
3/7/2023	S	Introduced 02/22/2023 and Referred to Health and Human Services; **SJ 9**
3/15/2023	S	**Hearing:** 03/22/2023, Room 101, LOB, 09:15 am; **SC 14**
3/22/2023	S	Committee Report: Ought to Pass, 03/30/2023; Vote 5-0; CC; **SC 15**
3/30/2023	S	**Ought to Pass:** MA, VV; OT3rdg; 03/30/2023; **SJ 12**
7/27/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); **SJ 20**
7/28/2023	H	Enrolled (in recess of) 06/29/2023 **HJ 17** P. 18
8/10/2023	H	Signed by Governor Sununu 08/08/2023; Chapter 231; eff: 10/07/2023 **HJ 17**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 184 **Senate Committee:** HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
___ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house
✓ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Laprise 8/30/23
Committee Aide **Date**

Senate Clerk's Office AK