LEGISLATIVE COMMITTEE MINUTES

HB215

Bill as Introduced

HB 215 - AS INTRODUCED

2023 SESSION

23-0425
05/10

HOUSE BILL ***215***

AN ACT relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

SPONSORS: Rep. M. Pearson, Rock. 34; Rep. McMahon, Rock. 17; Rep. Nagel, Belk. 6; Rep. Palmer, Sull. 2; Rep. J. Murphy, Graf. 12

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill directs the department of health and human services to adopt administrative rules regarding medication administration by licensed nursing assistants in accordance with the state Medicaid plan.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 215 - AS INTRODUCED

23-0425
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

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

1 Rulemaking; Licensed Nursing Assistants Authorized to Administer Medication. 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 ***and licensed nursing assistants authorized to administer medication pursuant to RSA 326-B:14, II-a,*** in facilities licensed under RSA 151:2 in accordance with the Title XIX Medicaid state plan.

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

HB 215 - VERSION ADOPTED BY BOTH BODIES

2023 SESSION

23-0425
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CHAPTER 122
HB 215 - FINAL VERSION

2023 SESSION

23-0425
05/10

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HB 215 - FINAL VERSION

23-0425
05/10

STATE OF NEW HAMPSHIRE

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122:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 30, 2023
Effective Date: August 29, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Howard Pearl, Chair
Sen Sharon Carson, Vice Chair
Sen Carrie Gendreau, Member
Sen Rebecca Perkins Kwoka, Member
Sen Debra Altschiller, Member

Date: April 19, 2023

HEARINGS

Wednesday	04/26/2023
(Day)	(Date)

Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 337-FN**	relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.
9:15 a.m.	**HB 215**	relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.
9:30 a.m.	**HB 136**	relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 337-FN

Rep. Merchant
Rep. Cushman
Rep. Ulery
Sen. Carson
Rep. C. McGuire
Sen. Prentiss
Rep. Rochefort

HB 215

Rep. M. Pearson
Rep. J. Murphy
Rep. McMahon
Rep. Nagel
Rep. Palmer

HB 136

Rep. Merchant

Phil Jasak 271-1403

Howard Pearl
Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

HB 215, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

Hearing Date: April 26, 2023

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill directs the department of health and human services to adopt administrative rules regarding medication administration by licensed nursing assistants in accordance with the state Medicaid plan.

Sponsors:

Rep. M. Pearson	Rep. McMahon	Rep. Nagel
Rep. Palmer	Rep. J. Murphy	

Who supports the bill: Representative Mark Pearson & Kate Horgan (New Hampshire Association of Counties), Ryan Donnelly

Who opposes the bill: None

Who is neutral on the bill: Brian Clark (DHHS)

Summary of testimony presented:

Prime Sponsor
Representative Mark Pearson

- Rep. Mark Pearson introduced HB 215, and provided a personal story of his aunt who became a registered nurse through a trial group that included nurse practitioners in Massachusetts. Stated that during this time there were no rungs of profession between an RN and an MD or DO.
- Rep. Pearson testified that through this additional rung his aunt was able to move upward in her career, received a raise, and enabled the physician she worked for to do what he was more specifically trained for. Stated that this additional rung of nurse practitioners 40 years ago helped everyone.
- Testified that this bill is at the request of the New Hampshire Association of Counties and the intent is to add an additional rung.

Brian Clark
(DHHS)

- Mr. Clark stated that he is here to speak on exactly HB 215 does.
- Mr. Clark furthered that HB 215 expands the existing reimbursement program. Currently DHHS will reimburse licensed nursing assistants who have completed a nursing assistant training program if they're employed by a nursing facility. HB 215 expands that program to LNA's who choose to complete additional training to become a Medicaid nursing assistant.

Kate Horgan
(New Hampshire Association of Counties)

- Stated that NHAC worked an attorney clerk and DHHS to make sure that this bill had the correct language as to prevent any issues.
- Added that HB 215 passed house Health and Human Services unanimously 20-0, and was on the consent calendar.
- Sen. Altschiller asked whether this bill is the administration of just oral medication or IV medication.
    - Ms. Horgan responded that this bill authorizes this group of professionals to administer medication that they are specifically trained for in their additional training programs, and are allowed to pass out. Noted that medication that is very complicated will still fall to the responsibility of the RN's, as their additional training to become a Medicaid nursing assistant does not authorize them to administer those.
- Sen. Pearl asked if this bill is basically the medical assistant certification that they can currently get.
    - Ms. Horgan affirmed and stated that the reimbursement program already exists and that HB 215 would just allow DHHS to set up rules so Medicaid nursing assistants can get tuition reimbursement. Asserted that this bill does not change any of the duties this profession is getting, it is just changing that they can get tuition reimbursement.

PJ
Date Hearing Report completed: May 5, 2023

Speakers

SENATE EXECUTIVE DEPARTMENTS & ADMINISTRATION COMMITTEE

Date 04/26/23 Time 9:15 A.M. Public Hearing on **HB 215**

relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants..

Please check box(es) that apply.

SPEAKING	*FAVOR*	*OPPOSED*	*NAME(Please print)*	*REPRESENTING*
✓ ☑	☐	☐	Brian Clark	DHHS
✓ ☑	☑	☐	Kate Hogan	NH Assn of Counties
✓ ☑	☑	☐	Rep MARK PEARSON	PRIME SPONSOR
☐	☐	☐		
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Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB215 on 2

Support: 1 Oppose: 0

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

Testimony

County Commissioners
Peter Spanos
Glen Waring
Stephen Hodges

Shelley Richardson RN, BSAS, NHA
Nursing Home Administrator
srichardson@belknapcounty.gov

Amanda Gallagher, MBA, BSN, RN, DNS-CT, CDP, DON
Director of Nursing Services
agallagher@belknapcounty.gov

BELKNAP COUNTY NURSING HOME
30 County Drive
Laconia, New Hampshire 03246
Phone: 603-527-5410
Fax: 603-527-5419
www.belknapcounty.gov

The Senate Executive Departments & Administration
New Hampshire State House
Concord, NH 03301

Good morning Chairman Pearl and committee members of the Senate Executive Departments and Administration.

My name is Shelley Richardson. I am the Nursing Home Administrator at Belknap County Nursing Home in Laconia New Hampshire.

I am writing to request the adoption of HB 215.

This bill will assist in part, a path to addressing nursing staffing shortages in nursing homes. By allowing increased trained LNA staff to participate in the task of medication administration, licensed nursing will be more available to provide their skills for assessing residents, supervising their units, and enhancing the provision of quality care.

This bill also provides growth and opportunity for career development to those candidates who want to move forward in a health career path.

Please support this bill for the future of healthcare is in a critical state and requires navigating new ways to provide care during this workforce shortage.

Respectfully,

Shelley Richardson RN, BSAS, NHA

Shelley Richardson, RN, BSAS, NHA
Nursing Home Administrator
Association of Counties Nursing Hope Affiliate President

OUR MISSION STATEMENT
To care for residents, as ourselves, with compassion, dignity and respect.-Doris Joyce

President
Wendy Piper
Grafton County Commissioner

Vice President
Cathy Stacey
Rockingham Register of Deeds

At Large Member
Toni Pappas
Hillsborough County Commissioner

At Large Member
Ross Cunningham
Merrimack County Administrator

Association of Counties

11 South Main Ste. 200
Concord, NH 03301

info@nhcouties.org

www.nhcounties.org

Immediate Past President
Chuck Weed
Cheshire County Commissioner

Treasurer
Charles Nickerson
Rockingham Finance Director

Bylaws Chair
Chris Coates
Cheshire County Administrator

April 24, 2023

The Honorable Howard Pearl
Chairman
Executive Departments & Administration Committee
NH State House
Concord, NH 03301

Chairman Pearl and Members of the Senate Executive Departments & Administration Committee,

The NH Association of Counties would like to express support for HB 215, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

This bill would allow the Department of Health and Human Services to adopt rules that would permit licensed nursing assistants (LNA's) who take the extra course to pass medication, to participate in the tuition reimbursement program under the state Medicaid plan. The NH Association of Counties worked closely with NH DHHS over the summer to ensure that these LNA's would be properly included. This change would encourage LNA's to expand their careers and assist with the work force shortage that long term care is facing, even if in a small way.

The Association would ask that you vote HB 215 ought to pass. If you have any questions, please contact Kate Horgan at KHorgan@dupontgroup.com.

Sincerely,

Wendy Piper

Wendy Piper
President
NH Association of Counties

Voting Sheets

Senate Executive Departments & Administration Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

14 Bill # 215

Hearing date: 4/26

Executive Session date: 4/26

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

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☑	☐	☐	☑	☐
Sen. Carson,VC	☑	☐	☑	☑	☐
Sen. Gendreau	☑	☑	☐	☑	☐
Sen. Perkins-Kwoka	☑	☐	☐	☑	☐
Sen. Altschiller	☑	☐	☐	☑	☐

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

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☑	☐	☐	☑	☐
Sen. Carson,VC	☑	☑	☐	☑	☐
Sen. Gendreau	☑	☐	☑	☑	☐
Sen. Perkins-Kwoka	☑	☐	☐	☑	☐
Sen. Altschiller	☑	☐	☐	☑	☐

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

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Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

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Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

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Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

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Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

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Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

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Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Reported out by: Gendreau

Notes:_____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 27, 2023

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 215**

AN ACT relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Carrie Gendreau
For the Committee

HB 215 expands the existing reimbursement program. Currently DHHS will reimburse licensed nursing assistants who have completed a nursing assistant training program if they're employed by a nursing facility. HB 215 expands that program to LNA's who choose to complete additional training to become a Medicaid nursing assistant.

Phil Jasak 271-1403

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 215, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.
Ought to Pass, Vote 5-0.
Senator Carrie Gendreau for the committee.

HB 215 expands the existing reimbursement program. Currently DHHS will reimburse licensed nursing assistants who have completed a nursing assistant training program if they're employed by a nursing facility. HB 215 expands that program to LNA's who choose to complete additional training to become a Medicaid nursing assistant.

General Court of New Hampshire - Bill Status System

Docket of HB215

Docket Abbreviations

Bill Title: relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

Official Docket of **HB215.**:

Date	Body	Description
1/3/2023	H	**Introduced** 01/04/2023 and referred to Health, Human Services and Elderly Affairs
2/8/2023	H	Public Hearing: 03/01/2023 09:00 am LOB 210-211
3/1/2023	H	Executive Session: 03/08/2023 11:00 am LOB 201-203
3/16/2023	H	Committee Report: Ought to Pass 03/08/2023 **(Vote 20-0; CC) HC 16** P. 10
3/22/2023	H	**Ought to Pass**: MA VV 03/22/2023 **HJ 10** P. 17
3/24/2023	S	Introduced 03/23/2023 and Referred to Executive Departments and Administration; **SJ 12**
4/19/2023	S	**Hearing:** 04/26/2023, Room 103, SH, 09:15 am; **SC 19**
4/27/2023	S	Committee Report: Ought to Pass, 05/11/2023; Vote 5-0; CC; **SC 21**
5/11/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 05/11/2023; **SJ 14**
6/21/2023	S	Enrolled Adopted, VV, (In recess 06/15/2023); **SJ 20**
6/21/2023	H	Enrolled (in recess of) 06/15/2023 **HJ 16** P. 15
7/12/2023	H	Signed by Governor Sununu 06/30/2023; Chapter 122; Eff: 08/29/2023 **HJ 17**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB215 **Senate Committee:** EDA

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

X final version

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

Phillip Tsak 1/7/23

Committee Aide **Date**

Senate Clerk's Office AK