REGULAR CALENDAR

October 17, 2024

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred SB 235-FN,

AN ACT relative to services provided through a primary care behavioral health model. Having considered the same, report the same: NOT RECOMMENDED FOR FUTURE LEGISLATION.

Rep. John Hunt

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Commerce and Consumer Affairs**
Bill Number:	**SB 235-FN**
Title:	**relative to services provided through a primary care behavioral health model.**
Date:	**October 17, 2024**
Consent Calendar:	**REGULAR**
Recommendation:	**NOT RECOMMENDED FOR FUTURE LEGISLATION**

STATEMENT OF INTENT

The committee does not recommended this bill for future legislation because the text did not align with the testimony. Since the committee was unsure what problem it was solving, this bill as written is not recommended for future legislation.

Vote 14-0.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs
SB 235-FN, relative to services provided through a primary care behavioral health model.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**
Rep. John Hunt for Commerce and Consumer Affairs. The committee does not recommended this bill for future legislation because the text did not align with the testimony. Since the committee was unsure what problem it was solving, this bill as written is not recommended for future legislation. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: October 17, 2024

LOB ROOM: 302-304

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Hunt Seconded by Rep. Potucek Vote: 14-0

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

4/19/2024 9:56:56 AM
Roll Call Committee Registers Report

2024 SESSION

Commerce and Consumer Affairs

Bill #: SB 235FN Motion: Not AM #: _____ Exec Session Date: 10/17/24

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
Potucek, John M.	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
McGough, Tim S	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M			
Burroughs, Anita D.			
Herbert, Christopher J.			
Beaulieu, Jane E. Clerk	✓		
McAleer, Chris R.	✓		
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
Grassie, Chuck W.	✓		
Rafter, Hal W			
TOTAL VOTE:	14	0	

CONSENT CALENDAR

November 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred SB 235-FN,

AN ACT relative to services provided through a primary care behavioral health model. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. John Hunt

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Commerce and Consumer Affairs**
Bill Number:	**SB 235-FN**
Title:	**relative to services provided through a primary care behavioral health model.**
Date:	**November 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**REFER FOR INTERIM STUDY**

STATEMENT OF INTENT

This bill prohibits an insurer providing a health plan in this state with mental health and substance use disorder benefits from denying coverage on the sole basis that services are delivered through a primary care behavioral health model. The Insurance department will be issuing a bulletin that will address this issue and was agreed to by both the health insurance companies and the mental health providers. With the interim study motion, the committee will review the results next year.

Vote 19-0.

Rep. John Hunt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

SB 235-FN, relative to services provided through a primary care behavioral health model. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill prohibits an insurer providing a health plan in this state with mental health and substance use disorder benefits from denying coverage on the sole basis that services are delivered through a primary care behavioral health model. The Insurance Department will be issuing a bulletin that will address this issue and was agreed to by both the health insurance companies and the mental health providers. With the interim study motion, the committee will review the results next year. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: November 8, 2023

LOB ROOM: 302-304

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Hunt Seconded by Rep. Burroughs Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:24:24 PM
Roll Call Committee Registers Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: SB235 **Motion:** IS **AM #:** _____ **Exec Session Date:** 11/8/23

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
~~Osborne, Jason M.~~ McGough	✓		
Potucek, John M.	✓		
Terry, Paul A	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.	✓		
Beaulieu, Jane E. Clerk	✓		
~~McAleer, Chris R.~~ Howard	✓		
Vincent, Kenneth S.	✓		
Calabro, Karen E	✓		
Filiault, Shaun M			
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: October 17, 2023

Subcommittee Members: Reps. Terry, Post, Porcelli, Hunt, Calabro, Vincent, Gibbs and Burroughs

Comments and Recommendations: Insurance Department presented info regarding a draft of a bulletin involving codes.

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. Rep. Hunt Seconded by Rep. Rep. Calabro Vote: 6-0

Respectfully submitted,

Rep. Jane Beaulieu
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: September 20, 2023

Subcommittee Members: Reps. Terry, Post, Porcelli, Hunt, Calabro, Vincent, Gibbs and Burroughs

Comments and Recommendations: Insurance Department is reviewing the billing codes.

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Rep. Burroughs Seconded by Rep. Rep. Hunt Vote: 8-0

Respectfully submitted,

Rep. Jane Beaulieu
Subcommittee Clerk

HOUSE COMMITTEE ON Commerce and Consumer Affairs

BILL NUMBER: **SB 235-FN**

BILL TITLE: **relative to services provided through a primary care behavioral health model.**

DATE: **May 10, 2023**

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

_____

Rep. Hunt, Chair

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: May 10, 2023

LOB ROOM: 302-304

MOTIONS: RETAINED

Moved by Rep. Potucek Seconded by Rep. Gibbs Vote: 18-0

Respectfully submitted,

Rep Lisa Post, Acting Clerk

OFFICE OF THE HOUSE CLERK

4/25/2023 8:24:20 AM
Roll Call Committee Registers Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: 235 **Motion:** Retain **AM #:** _____ **Exec Session Date:** 5/10/23

Members	YEAS	Nays	NV
Hunt, John B. Chairman	18		
Ammon, Keith Michael Vice Chairman	1		
Osborne, Jason M.	2		
Potucek, John M.	3		
Terry, Paul A			
Post, Lisa C.M.	4		
Cole, Brian D	5		
Porcelli, Susan M	6		
Thackston, Dick H	7		
Walsh, Lilli M	8		
Burroughs, Anita D.	9		
Herbert, Christopher J.	10		
Beaulieu, Jane E. Clerk Lou	11		
McAleer, Chris R. Jack	12		
Vincent, Kenneth S.			
Calabro, Karen E	13		
Filiault, Shaun M	14		
Gibbs, Merryl	15		
Spier, Carry	16		
Sullivan, Jared	17		
TOTAL VOTE:	18		0

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: May 10, 2023

Subcommittee Members: Reps. Hunt, Potucek, Post, Burroughs, Calabro and Gibbs

Comments and Recommendations: The department will work on it.

MOTIONS: RETAINED

Moved by Rep. Rep. Hunt Seconded by Rep. Rep. Potucek Vote: 6-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 235-FN

BILL TITLE: relative to services provided through a primary care behavioral health model.

DATE: May 3, 2023

Subcommittee Members: Reps. Terry, Post, Porcelli, Hunt, Calabro, Spier and McAleer

Comments and Recommendations: Questions about certain parts mandates of this legislation, Insurance commissioner says bill not necessary and should be retained.

Respectfully submitted,

Rep. John Hunt
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 235-FN

BILL TITLE: **relative to services provided through a primary care behavioral health model.**

DATE: **April 19, 2023**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **1:45 p.m.**

Time Adjourned: **2:45 p.m.**

Committee Members: Reps. Hunt, Ammon, Beaulieu, Potucek, Terry, Cole, Thackston, Porcelli, L. Walsh, Burroughs, Herbert, McAleer, Calabro, Filiault, Gibbs, Spier and J. Sullivan

Bill Sponsors:

Sen. Chandley	**Sen. Watters**	**Sen. Fenton**
Sen. Rosenwald	**Sen. Altschiller**	**Sen. Prentiss**
Rep. Burroughs		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Shannon Chandley - Introduced the Bill
- Primary care
- Works with a psychologist in office
- A collaborative effort
- Helps manage a patients complete healthcare

Catherine Schuman - Representing Team based care
- Clinical psychologist
- This is an evolving model

Alex Feldrebel - NH Insurance Department
- Provided information
- The Department has several concerns
- Why is the bill referring to psychologist only?
- This bill can be referred to the NH Insurance Dept for analysis

Julie Walter - New Hampshire Psychological Association
- Primary care and behavioral health
- Decrease in ER visits
- This bill will increase integrated workforce

Sabrina Dunlap - Anthem
- Several questions
- She would like the bill to be retained

John DeJoie - NH Psychological Assistant
- This is a practice bill/practice model
- We need codification

Respectfully Submitted,
Rep Jane Beaulieu, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: SB235 Date: 4/19/23

Committee: COMMERCE

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Heidi Kroll	AHIP				X
Lindsay Nadeau for Cigna					X
Catherine Schuman				X	
Julie Wolter	NHPA Dover NH	6033401167		X	
Sabrina Dunlop	Aurora				X
Peter Bragdon	Harvard-Pilgrim				✓

NHPA
NEW HAMPSHIRE
PSYCHOLOGICAL
ASSOCIATION

April 19, 2023

Dear Chairman Hunt and Members of the House Commerce and Consumer Affairs Committee,

Thank you for the opportunity to testify in support of SB235. I am Dr. Julie Wolter, Director of Professional Affairs and Chair of the Behavioral Healthcare Advocacy Committee (NHPA BHAC) for New Hampshire Psychological Association as well as a psychologist in private practice. I rise today in support of SB235 for myself and NHPA. We also want to thank Senator Chandley and the cosponsors of SB235.

NHPA strongly believes improving mental health in New Hampshire requires a multitude of service delivery options. Our advocacy efforts aim to address the mental health crisis as well as provide access to services through a variety of channels. One service delivery option in this complex and dynamic healthcare system is integrated care. We believe this bill will increase access and decrease healthcare costs, while supporting physicians in both primary and specialty care offices.

Integrated Care

This bill is a practice bill, addressing Primary Care Behavioral Health (PCBH). It does not mandate coverage of integrated care – this bill simply states that if integrated care is a covered benefit, then services provided within PCBH are covered. Many patients initially present with mental and behavioral health symptoms in a medical practice. When PCBH is embedded in the medical setting, **mental health or substance use treatment can start the same day the patient visits primary care.** Research has found (Maeng, et.al.) that PCBH implementation was associated with a **decrease in rates of emergency department visits of around 14% and an approximately 12% reduction in rates of primary care provider visits**. The study also found a 7.5% higher overall rate of behavioral health provider visits, suggesting a higher rate of patients engaging in the appropriate care.

PCBH is a one-stop shop. Integrated care mental health professionals not only work with mental health symptoms and disorders, they also help with medication adherence, lifestyle change issues, relationship problems, and the management of chronic illness protocols. There is strong evidence that if there is a behavioral health partner on the team, medical providers will ask more questions of patients about their lives. By encouraging short-term treatment particularly when there is concern regarding follow through to outpatient mental health, it can prevent emergency room visits and hospitalizations. It also addresses symptoms within the medical setting the patient trusts, with the collaborative expertise of a mental health professional. This reduces delay in beginning treatment due to the workforce shortage throughout New Hampshire. According to NHPA BHAC's 2022 survey results, 79% of responding clinicians report having difficulty finding clinicians accepting new patients "often to almost always." This bill provides a bridge to relieve this workforce shortage as NH continues to build its behavioral health workforce.

The bill supports the use of both PCBH and Collaborative Care, as well as other integrated care models. These exist together in some facilities. This bill expands the number of dedicated professionals available to provide expert mental and behavioral health consultation in the medical setting, supporting our physicians by being a part of the medical team.

Consultation and Collaborative Care by Outpatient Practices

NHPA BHAC's most recent annual mental health practice survey emailed in November 2022 indicates that 62% of outpatient therapists provide consultation services to primary care physicians and other medical professionals for which they are not reimbursed. On page 2, lines 13-15 of the Senate amended bill are to increase the consultation between outpatient therapists and physicians who may not be able to afford a psychologist or mental health professional on staff.

Coverage and Coding

We are not including codes in this bill as we believe this is between an insurer and a provider to determine what codes to include. While this bill highlights concerns regarding uncovered consultation services, CPT codes are dynamic and instead we are asking for services within the PCBH model to be covered. We appreciate the many meetings and correspondence with Anthem and Point32Health over the past year regarding this bill and believe this bill represents positive collaboration. Most of the conversations discussed coverage. There is a discrepancy between what insurance companies say is covered and services that providers indicate they have been reimbursed for, according to conversations with psychologists in integrated care, the NHPA BHAC Mental Health Practice Survey and a recent survey specific to use of consultation codes. We believe this bill can rectify this.

Finally, this bill simply asks where insurance companies cover integrated care as a covered service, that services provided by the PCBH model are reimbursed. We believe that by providing more timely consultation, by a greater number of experienced professionals, there will be less emergency room visits and patients will receive more timely and appropriate interventions starting where they often start – with their primary care physician or pediatrician.

Thank you for your service to New Hampshire's citizens and for consideration of SB235. I ask for your vote of support.

With gratitude,

Julie B. Wolter, Psy.D.
New Hampshire Psychological Association
Director of Professional Affairs
Chair, Behavioral Health Advocacy Committee
(603) 340-1167
BHAC@nhpsychology.org

SB 235-FN - AS INTRODUCED

2023 SESSION

23-0953
04/08

SENATE BILL ***235-FN***

AN ACT relative to services provided through a primary care behavioral health model.

SPONSORS: Sen. Chandley, Dist 11; Sen. Watters, Dist 4; Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Prentiss, Dist 5; Rep. Burroughs, Carr. 2

COMMITTEE: Health and Human Services

ANALYSIS

This bill prohibits an insurer providing a health plan in this state to mental health and substance use disorder benefits from denying coverage on the sole basis that services are delivered through a primary care behavioral health model.

- -

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.

23-0953
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to services provided through a primary care behavioral health model.

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

1 Findings. The general court finds that:

I. New Hampshire is experiencing a significant lack of mental health service which is impacting New Hampshire's population.

II. According to the National Alliance on Mental Illness (NAMI-NH) 2021 report, Nearly 38 percent of New Hampshire adults report increases in symptoms of anxiety and depression. Nearly 15,000 New Hampshire teens experience depression.

III. Nearly 57 percent of New Hampshire children and 17 percent of adults are unable to find mental health care. In addition, more than 50,000 New Hampshire residents reported thoughts of suicide during 2020 and 279 New Hampshire residents committed suicide.

IV. According to the New Hampshire Psychological Association (NHPA) 2021 mental health practice survey, 65 percent of respondents indicate they almost always have difficulty finding providers for mental health services and 31 percent of respondents report their waitlist runs 2 or more months.

V. This act is in furtherance of addressing New Hampshire's significant work force issues in behavioral health treatment and providing effective interventions as the state educates the large number of new professionals needed to provide a robust behavioral health workforce.

2 New Chapter; New Hampshire Primary Care Behavioral Health Act. Amend RSA by inserting after chapter 415-J the following new chapter:

CHAPTER 415-K

NEW HAMPSHIRE PRIMARY CARE BEHAVIORAL HEALTH ACT

415-K:1 New Hampshire Primary Care Behavioral Health Act. This chapter shall be known and may be cited as the New Hampshire primary care behavioral health act.

415-K:2 Definitions. In this chapter:

I. "Health benefit policy" means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, executed, or renewed in this state, including, but not limited to, those contracts executed by the state of New Hampshire on behalf of state employees under RSA 21-I, by an insurer.

II. "Insurer" means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, preferred provider organization, provider sponsored health care corporation, managed

care entity, or any similar entity authorized to issue contracts under this title or to provide health benefit policies.

III. Primary care behavioral health model" (PCBH) means an evidence-based, integrated behavioral health care service delivery model delivered in primary or specialty care settings that recognizes licensed psychologists as consultants as well as direct service providers.

415-K:3 Coverage for Primary Care Behavioral Health Services.

I. An insurer providing a health plan in this state that provides mental health and substance use disorder benefits shall not deny coverage on the sole basis that services are delivered through primary care behavioral health models.

II. Primary care behavioral health shall involve expert consultation by a psychologist to assist a physician with the assessment of client needs relative to behavioral health. This shall include coordination of care, consultation with a physician and the use of outcomes measures, within the expertise of the psychologist. Appropriate CPT codes shall be added to psychologist contracts and outpatient licensed mental health providers working with the team to permit billing of PCBH services as covered in this section.

III. Nothing in this section shall be construed to prohibit an insurer from providing coverage for only those services that are medically necessary and subject to the terms and conditions of the covered person's policy, provided that such medical necessity determinations are in compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Public Law 110-343), and that such determinations are made in accordance with the utilization review requirements found in RSA 420-E.

IV. When care is provided through a PCBH model, a health plan shall not impose more than one co-pay per day for individuals obtaining multiple related services.

3 New Subparagraph; Accident and Health Insurance; Coverage for Mental and Nervous Conditions and Treatment for Chemical Dependency Required. Amend RSA 415:18-a, III by inserting after subparagraph (d) the following new subparagraph:

(e) Benefits arising from consultation, coordination of care, diagnosis and the development of outcome measures for outpatient services under this paragraph, performed by psychologists as defined in this chapter, shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment provided by psychiatrists.

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

LBA
23-0953
Revised 2/13/23

SB 235-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to services provided through a primary care behavioral health model.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Insurance premium tax revenue			

METHODOLOGY:

This bill requires health insurers that provide mental health and substance abuse benefits to provide coverage for such benefits even when the services are provided through an entity that is organized according to a primary care behavioral health (PCBH) model. The bill requires health insurers to build into their contracts with PCB-model clinics the ability for the clinics to bill for specialized procedure codes for such services as "collaborative care," "medical consultation," and "medical team conferences." The Insurance Department states that to the extent these codes are not already included in provider contracts, the bill may increase claims costs, resulting in a corresponding increase in insurance premium tax revenue to the state. Alternatively, to the extent that this care model constitutes a more efficient delivery system, it may lower claims costs and, in turn, lower insurance premium tax revenue to the State. The Department states that it would need to conduct an external actuarial review in order to more precisely project the impacts on claims and state revenues.

The Department of Administrative Services states that the impact on the state's Retiree and Health Benefit Plan (HBP) is unclear, but notes that the bill requires that only one copayment per day be charged to members for multiple services, which would result in a cost shift to the state. The Department further notes that HBP benefits are collectively bargained.

The Department of Health and Human Services expects the bill will have no fiscal impact on the Department.

AGENCIES CONTACTED: