

Senate Education Committee

Ryan Meleedy 271-4151

SB 34, relative to parental consent for student participation in Medicaid to schools program.

Hearing Date: January 21, 2025

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires schools to obtain parental consent for each new service that is provided to a student under the Medicaid to schools program. The bill also requires certain legislative policy committees to receive reports regarding the Medicaid to schools program.

Sponsors:

Sen. Ward	Sen. Avard	Sen. Gray
Sen. Gannon	Sen. Lang	Sen. Innis
Sen. Birdsell	Sen. McGough	Sen. Sullivan
Sen. Rochefort	Sen. Murphy	Sen. Pearl
Rep. Cordelli	Rep. Kofalt	Rep. Ball
Rep. Bernardy		

Who supports the bill: Senator Ruth Ward (8), Senator Howard Pearl (11), Senator David Rochefort (1), Senator James Gray (6), Senator Daniel Innis, Representative Sherri Reinfurt, Representative Sheila Seidel, Doris Hohensee, Ann Marie Banfield, Janan Archibald, Benard, Shannon Bouchard, Maureen Hardy, Marion Stanley, Barbara Koehler, Laura El-Azem, Joanna Brown, Curtis Howland, Janan Archibald, Tanya Rich, Daniel Richardson, Moira Ryan, Jennifer Maley, Laura Condon, Katherine Shea.

Who opposes the bill: Senator Debra Altschiller, Ruth O'Neal, Linda Burnap, Amy Erickson, Scott Burns, Karen Jacobsen, Lois Cote, Wendy Chase, and Michelle St. John. Lobbyists who oppose include Jane Bergeron-Beaulieu (NH Association of Special Education Administrators), Debrah Howes (American Federation of Teachers), Sean Parr (Manchester School Board), Lissa Mascio (Office of the Child Advocate)

Who is neutral on the bill: Senator Sue Prentiss (5), Kristine Stoddard (Bi-state Primary Care), Betsy Burtis (Amoskeag Health), Becky Wilson (School Boards Association)

Summary of testimony presented in support:

Senator Ruth Ward:

- Committee Chair Senator Ruth Ward Introduced Senate Bill 34 to the committee, explaining that the bill seeks to provide transparency for parents of New Hampshire students and ensure continuity of care. She explained that this bill was a recommendation from the Committee to Study Consent and Confidentiality Laws Applicable to Adolescent and Young Adult Healthcare in New Hampshire.
- Senator Ward explained that the bill would require schools to receive parental consent whenever their child is enrolled in a new service at school under the Medicaid to Schools program.
- Senator Ward explained that this bill is partially in response to federal proposals in 2023 to take away parental consent requirements for children in schools altogether.
- Senator Altschiller inquired about the bill, asking if Senator Ward would be willing to tailor the bill to just adolescent students, as the committee who recommended it was designated to study adolescent healthcare programs in school systems rather than public education as a whole. Senator Ward was unable to make that commitment when asked and said that she would have to get back to the committee on this potential tailoring.

Ann Marie Banfield (Parental Rights Advocate):

- Ann Marie Banfield testified in support of SB 34
- Ms. Banfield explained that parental consent requirements allow parents to act as an extra layer of protection against Medicaid fraud, which she claimed has been a consistent burden facing the Medicaid system.
- Ms. Banfield elaborated that when widescale Medicaid fraud is found to be taking place throughout a state, the Medicaid program can be temporarily shut down to correct the fraud that has occurred. This would prevent children from accessing treatment through Medicaid during that temporary shutdown.
- Ms. Banfield also cited patient privacy as a concern that this bill addresses.

Janan Archibald:

- Ms. Archibald testified in support of SB34.
- Ms. Archibald established that she knew of multiple parents whose children were receiving services to which they were unaware and had not consented. She explained that parents are often tasked with independently finding out what services their children receive.

Summary of testimony presented in opposition:

Sean Parr (Manchester School Board):

- Sean Parr testified in opposition to the bill with concerns about the administrative burden that it could potentially create.
- Mr. Parr explained that contacting parents in Manchester for their involvement in their child's services is a significant challenge for the Manchester education system. Though the Manchester School District takes extensive measures to try and get parents to participate in their child's school services and the adjustments made to those services, parents often cannot attend meetings or be involved in the process for various external reasons.
- Mr. Parr explained that adding additional requirements of consent would make it nearly impossible for certain children within the Manchester school system to access the programs they need to succeed in school, as some parents are frequently unresponsive or inattentive to their evolving educational needs.
- Senator Prentiss asked whether parents ever deny their children's enrollment in different educational programs within the school system. Mr. Parr said that though his knowledge of the denial rate was limited, he understood that denial was infrequent.
- Mr. Parr raised another concern with the parental consent requirements, claiming that the requirement applying to each change in the program would adversely affect Medicaid reimbursements and could potentially put a burden on local taxpayers as a result.
- Senator Sullivan inferred that unresponsive parents would likely be the ones who need to know about their child's enrollment in educational programs the most, to which Mr. Parr explained that her understanding wasn't necessarily false, however, the school district goes to great lengths already to get responses out of said parents, including multilingual communications, persistent follow-ups, and use of multiple forms of communication.

Neutral Information Presented:

Kristine Stoddard & Betsy Burtis (Community Health Representatives):

- Kristine Stoddard from Bi-State Primary Care testified jointly with Betsy Burtis from Amoskeag Health in neutrality to the bill.
- Ms. Stoddard explained that she shared a similar concern with the administrative burden that Mr. Parr raised, stating that it would be extremely difficult for the school system and caretakers to obtain parental consent for the

often-fluid changes in the programs that students are enrolled in under the Medicaid program.

- She raised concerns about how even small adjustments to the IEPs or 504s of students could create a significant backlog at the administrative level, which already struggles to a degree to keep up with their current level of requirements.
- She acknowledged that the intent of the bill was not in itself bad, and that she was a proponent of getting parents more involved with their students' education.
- She also pointed out that this bill only pertains to students covered under the Medicaid program, not privately insured students. She explained that this would potentially cause roughly 35% of students to be treated differently than those with private insurance, which is a significant concern.
- Betsy Burtis explained that the bill would require frequent changes to the ICD-10 codes for each change in program or diagnoses, which would be extremely burdensome from an administrative standpoint.
- She explained that parents' priorities for their children are to have them get the care they need when they need it, and with this bill's requirement, this care would likely be delayed to varying extents because of the need to get consent for code changes.
- Senator Prentiss asked whether students were ever treated without the consent of their parents based on the current system structure. Both Ms. Burtis and Ms. Stoddard explained that this is not the case.
- Senator Sullivan asked if they would support the bill if the code requirement were removed. Ms. Stoddard said that she was unsure whether they would be in support.

Becky Wilson (Director, Government Relations, NH School Boards Association):

- Director Wilson, representing the NH School Board Association, testified in neutrality to Senate Bill 34.
- Director Wilson explained that the bill would not prevent students from receiving services that were consented to on their IEPs or 504 plans.
- She explained that this bill only applies to a relatively narrow set of school services, those being necessary health services insured under Medicaid. She elaborated by explaining that the Medicaid to Schools program is separate from the IEP and 504 programs.
- She emphasized that this bill would not prevent any student from receiving their necessary treatments but instead impact the reimbursement from Medicaid to the schools providing these services.

- Director Wilson added that significant changes are being implemented to Medicaid this year, affecting students in the 2026-2027 fiscal year, and detailed ongoing DHHS work to prepare for such changes. She further encouraged the committee to coordinate with Henry Lipman of DHHS if this bill is passed to ensure that appropriate dates align with the changing Medicaid system. She stressed that a messy implementation of this bill could potentially affect local taxpayers.

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Time Opened: 3:19 p.m.

Time Closed: 3:19 p.m.

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Members of the Committee Absent : None

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Neutral Information Presented:

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Date Hearing Report completed: January 21, 2025