

HB 1653 - AS INTRODUCED

2026 SESSION

26-3066
05/08

HOUSE BILL **1653**

AN ACT relative to emergency medical care provided at freestanding hospital emergency facilities.

SPONSORS: Rep. Telerski, Hills. 11; Rep. Ohm, Hills. 10; Rep. Sheehan, Hills. 43; Rep. Veilleux, Hills. 34; Rep. Hartnett, Hills. 41; Rep. Gregg, Hills. 7; Rep. Chourasia, Hills. 11; Rep. M. Murray, Hills. 37; Rep. Vail, Hills. 6; Sen. Rosenwald, Dist 13; Sen. Avard, Dist 12

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill regulates transfer policies at freestanding hospital emergency facilities (FHEFs). The bill provides that patients receiving emergency medical care at FHEFs shall have the option to transfer to the acute care hospital of their choice and shall not be limited solely to the facility that owns or operates the FHEF.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to emergency medical care provided at freestanding hospital emergency facilities.

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

1 1 Purpose. The purpose of this act is to ensure that patients receiving emergency medical care
2 at freestanding hospital emergency facilities (FHEFs) are provided full and fair choice of transfer to
3 an acute care hospital, consistent with patient needs and preferences, and not limited solely to the
4 facility that owns or operates the FHEF. This act is intended to prevent anti-competitive practices
5 and to protect patient safety, continuity of care, and community access.

6 2 New Subdivision; Patient Choice and Transfer Practices at Freestanding Hospital Emergency
7 Facilities. Amend RSA 151 by inserting after section 53 the following new subdivision:

8 Patient Choice and Transfer Practices at Freestanding Hospital Emergency Facilities

9 151:54 Definitions. In this subdivision:

10 I. "Freestanding hospital emergency facility" or "FHEF" means a hospital geographically
11 separate from the parent hospital, which is owned or operated, directly or indirectly, by the parent
12 hospital and which provides emergency acute care identical to those services provided by the parent
13 hospital.

14 II. "Parent hospital" means the hospital which owns and operates a freestanding hospital
15 emergency facility.

16 151:55 Patient Choice in Transfers.

17 I. Any FHEF licensed in this state shall provide patients, or their legal representatives
18 when applicable, with the opportunity to choose the receiving hospital when a transfer is medically
19 necessary and the receiving hospital has the capability to address the patient's needs.

20 II. The FHEF shall not restrict, limit, or otherwise direct transfers exclusively to the parent
21 hospital affiliated with the FHEF unless required by federal law.

22 III. The FHEF shall document in the medical record the patient's hospital choice for
23 transfer.

24 IV. In the event a patient is not able to choose the receiving hospital, the FHEF shall
25 arrange transfer to the closest appropriate receiving hospital that has the capability to address the
26 patient's needs.

27 151:56 Prohibited Practices.

28 No FHEF, or any entity owning or operating such facility, shall:

29 I. Condition treatment or discharge upon transfer to an affiliated or parent hospital based
30 on insurance or lack thereof.

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1 II. Engage in steering, coercion, or misleading communication designed to limit patient
2 transfer choice.

3 III. Execute policies or contracts with emergency medical services (EMS) providers that
4 require or encourage exclusive transfer to an affiliated or parent hospital.

5 151:57 Enforcement and Penalties; Rulemaking.

6 I. The commissioner of the department of health and human services shall issue interim
7 rules under RSA 541-A:19 to implement this subdivision, and final rules shall be adopted by June
8 30, 2027.

9 II. A pattern of violations shall be referred to the department of justice for enforcement and
10 shall be considered an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any
11 right or remedy set forth in RSA 358-A may be used to enforce the provisions of this subdivision.

12 3 Effective Date. This act shall take effect upon its passage.