

Senate Commerce Committee

Aaron Jones 271-2609

SB 172, banning certain contract provisions from being enforced against advanced practice registered nurses.

Hearing Date: February 18, 2025

Time Opened: 11:00 a.m.

Time Closed: 11:11 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill prohibits certain contract restrictions from being enforced against advanced practice registered nurses.

Sponsors:
Sen. Prentiss

Who supports the bill: Senator Suzanne Prentiss, Kim Mohan (NH Nurse Practitioners Association), Brian Chinchello, Sarah McCarthy, Janet Lucas, Glenn Brackett (NH AFL-CIO), Sam Hawkins (NAMI NH)

Who opposes the bill: Anthony Holtz

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Suzanne Prentiss

- RSA 326-B:45, also known as the Nurse Practice Act, renders noncompete clauses or provisions unenforceable for nurses.
- This bill focused on advanced practice registered nurses who are also referred to as nurse practitioners.
- Nurse practitioners have a significant role in providing healthcare, particularly primary care. Given the shortage of primary care providers, nurse practitioners have helped narrow the gap.
- Senator Prentiss said primary care providers are important because they are traffic cops. The providers know individuals, their medical history, and if they need an insurance referral to see a specialist. If an individual cannot get access

to care, they could wait up to multiple weeks. As a result, this could impact their treatment.

- Over the past 4 years, Senator Prentiss said they have made changes to the Act to provide nurses with protections as well as enhance their workforce by building out the state's primary care capabilities.
- The noncompete language in RSA 326-B:45 is unenforceable for nurses, not nurse practitioners.
- Both nurses and nurse practitioners carry a license, but the law has been vague on which license they are practicing under and the coverage they have.
- If the Legislature supported mobility, and free market access to healthcare, noncompete clauses should not be a barrier to access.
- Nurse practitioners are covered under RSA 326, but it is not linked over to the noncompete clause provision.

Kim Mohan, Executive Director, New Hampshire Nurse Practitioner Association

- There is a large umbrella under advanced practice registered nurses, and many serve as nurse practitioners. Certified registered nurse anesthesiologists, certified nurse midwives, and certified nurse specialists are also included.
- This bill would cover everyone who is licensed as an advanced practice registered nurse.
- Advanced practice registered nurses are required to hold both a registered nurse and advanced practice registered nurse license.
- Ms. Mohan said some of this language has caused statutory problems, but this bill would protect individuals in the advanced practice professions.
- **Senator Innis** believed this seemed straightforward.
 - **Ms. Mohan** replied that it was basic and essential. The Board of Nursing has not guaranteed that they are covered, which is why legislation was required. Similar language covers physicians and surgeons, but advanced practice registered nurses are not physicians.
- **Senator Innis** asked if this bill would bring parity.
 - **Ms. Mohan** said it would be housekeeping, and it would most likely establish parity that was originally intended.

Brian Chinchiello

- As the former Chair of the Rockingham County Commission, Mr. Chinchiello said they dealt with a lot of nursing home nurses and staff. They had 12 different contracts for trial nurses because they could not employ their own nurses.
- They had many nurses with contracts that had noncompete clauses, and they could not work for the county for many years. Given the shortages, Mr. Chinchiello said it did not make sense.
- **Senator Innis** asked if Mr. Chinchiello was in support.

- **Mr. Chinchiello** said he supported it because they should not limit where nurses can and cannot work.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

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Date Hearing Report completed: February 21, 2025