

HB 1784-FN - AS INTRODUCED

2026 SESSION

26-2783

05/08

HOUSE BILL ***1784-FN***

AN ACT relative to the health care consumer protection trust fund.

SPONSORS: Rep. Miles, Hills. 12; Rep. L. Walsh, Rock. 15; Sen. McGough, Dist 11

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill modifies the statute governing administration of the health care consumer protection trust fund to:

I. Remove the executive council approval for expenditures while retaining approval by the advisory commission and the governor.

II. Prohibit grants or contracts to New Hampshire state agencies, including subgrants or pass-throughs to such entities.

III. Limit funded projects to those that directly benefit New Hampshire health care consumers through defined, measurable patient-outcome objectives, with milestone-based disbursements and clawbacks.

IV. Prohibit funding of academic research while allowing incidental evaluation necessary to verify outcomes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the health care consumer protection trust fund.

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

1 1 Health Care Consumer Protection Trust Fund. Amend RSA 7:6-g to read as follows:

2 7:6-g Health Care Consumer Protection Trust Fund Established.

3 I. In this section:

4 (a) "Acquisition transaction" or "acquisition" means transfer of control, direct or indirect,
5 of a health care organization, or of 25 percent or more of the assets thereof, including, but not limited
6 to, purchases, mergers, leases, gifts, consolidations, exchanges, joint ventures, or other transactions
7 involving transfer of control or of 25 percent or more of assets. However, changes in membership of
8 the governing body of a health care organization occurring through regular election or filling of
9 vacancies in accordance with the bylaws thereof do not of themselves constitute acquisition
10 transactions within the meaning of this section.

11 (b) "Health care organization" means an entity organized to provide health care services
12 including, but not limited to, hospitals, community health services, and medical-surgical or other
13 diagnostic or therapeutic facilities or services, or an entity operating as a health insurer or health
14 maintenance organization.

15 ***I-a. The general court finds that proceeds from acquisition transactions involving***
16 ***health care organizations shall be used solely for projects that measurably improve health***
17 ***outcomes for New Hampshire consumers through direct services and implementations, and***
18 ***not for academic research activities.***

19 II. There is hereby established in the state treasury, the health care consumer protection
20 trust fund that shall be kept separate and distinct from all other funds. All proceeds received by the
21 state from any settlement, judgment, or other resolution related to any acquisition or acquisition
22 transaction shall be deposited into the trust fund, provided that any proceeds obtained to reimburse
23 the department of justice pursuant to RSA 356:4-b, or RSA 358-A:6, IV for all costs related to the
24 review, investigation, or litigation of any acquisition or acquisition transaction may be deposited in
25 appropriate funds as designated by the attorney general. The fund may also receive moneys through
26 private contributions or appropriations from the general court. Any amount received in connection
27 with an acquisition or acquisition transaction that would have been deposited into the general fund
28 under RSA 7:6-e or RSA 7:6-f shall be deposited into the trust fund. All moneys in the trust fund
29 shall be nonlapsing and continually appropriated to the department of justice. Any earnings on
30 trust fund moneys shall be added to the trust fund.

1 III. The attorney general shall administer the health care consumer protection trust fund
2 and may only expend funds in the trust fund upon approval by the health care consumer protection
3 advisory commission established in RSA 7:6-h and the governor [~~and council~~].

4 IV. Funds from the health care consumer protection trust fund shall be expended solely for
5 the purpose of benefiting health care consumers in the state and in accordance with any relevant
6 terms of the settlement, judgment, or other resolution by which the funds were received.
7 Expenditures from the trust fund may include, but are not limited to, expenditures by the
8 department of justice, [~~grants to state agencies,~~] grants to municipalities, or grants to non-
9 governmental recipients. ***Grants or contracts to New Hampshire state agencies or
10 instrumentalities are prohibited, and recipients shall not subgrant or subcontract fund
11 moneys to New Hampshire state agencies or instrumentalities.***

12 ***V.(a) Eligible projects shall be limited to those with defined, prospective, and
13 measurable patient-outcome objectives, including baseline measures, target outcomes, and
14 a plan for data collection and reporting.***

15 ***(b) Preference shall be given to proposals with quantifiable objectives and
16 payment structures tied to objective milestones or performance metrics. All grants or
17 contracts shall include milestone-based disbursements, reporting schedules, audit rights,
18 and clawback provisions for failure to meet agreed milestones absent good cause as
19 determined by the attorney general after consultation with the advisory commission.***

20 ***(c) Allowable project categories include, but are not limited to: direct clinical
21 services; care-coordination implementations; patient safety and quality initiatives;
22 technology or workflow deployments in care settings; health-literacy and navigation
23 services linked to measurable utilization or outcomes improvements; and community-based
24 interventions that measurably reduce avoidable morbidity or mortality among New
25 Hampshire residents.***

26 ***VI. Fund moneys shall not be used to support academic research.***

27 ***(a) For purposes of this section, "academic research" means basic, applied, or
28 translational research; hypothesis-testing studies; activities with the primary purpose of
29 producing generalizable knowledge; or the development of publishable findings not
30 directly tied to the delivery of patient-care interventions for New Hampshire consumers
31 during the grant period.***

32 ***(b) Nothing in this paragraph prohibits reasonable evaluation activities
33 necessary to measure outcomes of an otherwise eligible project, provided such evaluation is
34 incidental to and supportive of direct service delivery and is not a primary research
35 endeavor.***

36 ~~[V.]~~ ***VII.*** The attorney general may, if necessary, negotiate terms in a settlement, judgment,
37 or other resolution that specify a particular use or reasonable restrictions for funds deposited into

HB 1784-FN - AS INTRODUCED

- Page 3 -

- 1 the health consumer protection trust fund, provided that any specified use must be one that benefits
- 2 health care consumers in the state.
- 3 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1784-FN- FISCAL NOTE
 AS INTRODUCED

AN ACT relative to the health care consumer protection trust fund.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase- estimated \$235,000	Indeterminable Increase- estimated \$237,000	Indeterminable Increase- estimated \$243,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

The Office of Legislative Budget Assistant is unable to provide a complete fiscal note for this bill, as introduced, as it is awaiting information from the Department of Administrative Services. The Department was originally contacted on 10/23/25 and again on 12/22/25 for a fiscal note worksheet. When completed, a revised fiscal note will be forwarded to the House Clerk's Office

METHODOLOGY:

This bill modifies the administration of the Health Care Consumer Protection Trust Fund by removing Executive Council approval for expenditures while retaining approval by the Governor and the advisory commission, prohibiting grants or contracts to New Hampshire state agencies, including subgrants or pass-through to such entities, limiting funded projects to those with defined and measurable patient outcome objectives with milestone based disbursements and clawback provisions, and prohibiting the use of trust fund moneys for academic research while allowing incidental evaluation necessary to verify outcomes.

The Department of Justice states this bill creates new statutory restrictions and detailed compliance requirements for proposal review, grant administration, milestone based disbursements, reporting, and audits that do not currently exist. As a result, the Department anticipates a significant increase in attorney and staff time to evaluate proposals, ensure

compliance with statutory criteria, draft and monitor grant agreements, and oversee reporting and enforcement. The Department estimates that implementation of this bill would require one additional full time Assistant Attorney General and one additional investigative paralegal. The cost for one Assistant Attorney General would be approximately \$137,000 in FY 2027, \$138,000 in FY 2028, and \$140,000 in FY 2029 and one investigative paralegal (23-2010 PARALGLS-LGL ASSTS-5 SOC21-05) would be approximately \$98,000 in FY 2027, \$99,000 in FY 2028, and \$103,000 in FY 2029. These costs would be General Fund expenditures. Because the number of proposals received, grants awarded, and enforcement actions required under the new statutory framework is unknown, the Department states the overall fiscal impact is indeterminable, but could be between \$100,000 and \$500,000 per fiscal year depending on workload.

This bill does not provide funding nor does it authorize positions. However, to the extent these positions are authorized, it is assumed the funding for FY 2028 and FY 2029 would be included in the Department's FY 2028 and FY 2029 budget request.

AGENCIES CONTACTED:

Department of Justice and Department of Administrative Services