

# Senate Health and Human Services Committee

*Sophie Walsh 271-3469*

**SB 501**, relative to authorization of seclusion or restraint during a personal safety emergency by a physician, physician associate, or advanced practice registered nurse.

**Hearing Date:** February 11, 2026

**Time Opened:** 1:41 p.m.

**Time Closed:** 1:48 p.m.

**Members of the Committee Present:** Senators Rochefort, Avard, Birdsell, Prentiss and Long

**Members of the Committee Absent:** None

**Bill Analysis:** This bill authorizes a physician, physician associate, or advanced practice registered nurse (APRN) to order seclusion or restraint during a personal safety emergency at New Hampshire hospital and other designated receiving facilities.

The bill is a request of the department of health and human services.

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**Sponsors:**

Sen. Prentiss

Sen. Lang

Sen. Watters

Sen. Pearl

Sen. Fenton

Sen. Perkins Kwoka

Sen. McGough

Sen. Murphy

Sen. Avard

Sen. Ward

Sen. Birdsell

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**Who supports the bill:** Sen. Prentiss, Sen. McGough, Sen. Fenton, Sen. Pearl, Ben Bradley (NH Hospital Association), NH Psychiatric Society, Cynthia Babonis (NH Hospital & DHHS), Jeffrey Fetter, MD (DHHS), Rosemary Wiant (DHHS), Meghan Thompson (DHHS), Marissa Chase (NH Association of Justice), and Malcolm Hawthaway (NH Society of Physician Associates).

**Who opposes the bill:** Pamela Harders and Nisa Marks.

**Who is neutral on the bill:** No one.

**Summary of testimony presented:**

Senator Sue Prentiss, Senate District 5

- This bill, requested by the Department of Health and Human Services, makes technical changes to assist with practice.
- Seclusion and restraint protocols are already authorized for physicians in New Hampshire. This bill broadens the group of providers able to make these orders

in an emergency to include physician associates and advanced practice registered nurses (APRNs) as well.

- This legislation addresses any conflicts with state statute, including the Patients' Bill of Rights, and aligns with federal law.

Rosemary Wiant and Meghan Thompson, Department of Health and Human Services

- This bill pertains to both APRNs and physician associates, both of which are considered licensed practitioners under CMS.
- Ms. Wiant described seclusion and restraint as last-resort interventions. They are used in personal safety emergencies to ensure the physical safety of the patient and anyone around them.
- At New Hampshire Hospital, APRNs are treating providers in many cases. Under current law, a physician must be contacted to obtain a seclusion or restraint order. This means that when an APRN is the treating provider, the physician may not know the patient. This bill would address this issue.
- This bill brings state mental health law into alignment with federal law, as CMS and accrediting bodies already authorize physicians and licensed practitioners to make these orders during a safety emergency.
- This bill also eliminates conflict with other state law through the "notwithstanding" language.