

HB 1604-FN - AS AMENDED BY THE SENATE

17Feb2022... 0554h
31Mar2022... 1160h
04/21/2022 1566s
05/05/2022 1972s

2022 SESSION

22-2142
05/10

HOUSE BILL ***1604-FN***

AN ACT including state medical facilities in the statute providing medical freedom in immunizations, and relative to licensure of case management service providers.

SPONSORS: Rep. Cushman, Hills. 2; Rep. Blasek, Hills. 21; Rep. Roy, Rock. 32; Rep. Pauer, Hills. 26; Rep. Torosian, Rock. 14

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill requires state hospitals and medical facilities to grant religious and medical exemptions from vaccination requirements, provided that any request for a medical exemption shall include the supporting documentation required by federal regulation. The bill also includes case management agencies in the definition of home health care providers licensed as health facilities.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT including state medical facilities in the statute providing medical freedom in immunizations, and relative to licensure of case management service providers.

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

1 1 Medical Freedom from Immunization; Exemption for State Medical Facilities. RSA 141-C:1-a,
2 II(e) is repealed and reenacted to read as follows:

3 (e) Apply to a county nursing home, the New Hampshire state hospital, or any other
4 medical facility or provider operated by the state of New Hampshire or any political subdivision
5 identified in paragraph I, which is subject to a valid and enforceable Medicare or Medicaid condition
6 of participation that imposes a vaccination requirement. Such facilities or providers shall, upon the
7 request of an individual for whom vaccination is required under federal regulations promulgated by
8 the Centers for Medicare and Medicaid Services, grant such exemption on medical or religious
9 grounds, subject to the conditions established in subparagraphs (1) and (2).

10 (1) The written request for a religious exemption shall simply state: "I, (insert
11 requestor's name), hereby attest that I sincerely hold religious beliefs and/or engage in religious
12 practices or observances that dictate the refusal to accept the required vaccination(s). (Insert
13 requestor's signature and date.)" With the assistance of the employee, the employer shall document
14 and evaluate the request to ensure that the individual submitting the request is covered under the
15 organization's vaccine policy, that the request is submitted on the appropriate form, and that the
16 requestor has properly signed and dated the form. The employer shall record the date upon which
17 the request was received in accordance with company policy. The employer shall maintain the
18 request in organization records for a period of not less than one year. The employer may deny the
19 request for a religious exemption in cases in which there is a compelling rationale or evidence to
20 believe the employee is acting fraudulently.

21 (2) The written request for a medical exemption shall include documentation as
22 required under federal regulations promulgated by the Centers for Medicare and Medicare Services.
23 The employer shall evaluate the request to ensure that the individual submitting the request is
24 covered under the organization's vaccine policy, that the request is submitted on the appropriate
25 form, and that the requestor has properly signed and dated the form. The employer shall record the
26 date upon which the request was received in accordance with company policy. The employer shall
27 maintain the request in organization records for a period of not less than one year.

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2 Home Health Care Provider; Reference to Case Management Agency Added. Amend RSA
151:2-b, I to read as follows:

I. "Home health care provider" means any organization, business entity, or subdivision
thereof, ***including a case management agency***, whether public or private, whether operated for
profit or not, which is engaged in arranging or providing, directly or through contract arrangement,
one or more of the following: nursing services, home health aide services, or other therapeutic and
related services which may include, but shall not be limited to, physical and occupational therapy,
speech pathology, nutritional services, medical social services, personal care services, and
homemaker services, which may be of a preventive, therapeutic, rehabilitative, health guidance or
supportive nature to persons in their places of residence.

3 Effective Date. This act shall take effect 60 days after its passage.

LBA
22-2142
Amended 6/22/22

HB 1604-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #s 2022-1566s and 2022-1972s)

AN ACT including state medical facilities in the statute providing medical freedom in
immunizations, and relative to licensure of case management service providers.

FISCAL IMPACT: ☐ State ☐ County ☐ Local ☒ None

METHODOLOGY:

The Department of Health and Human Services states that, as amended, this bill will have no
fiscal impact.

AGENCIES CONTACTED:

Department of Health and Human Services