

HB 1405 - AS INTRODUCED

2022 SESSION

22-2723

05/11

HOUSE BILL

1405

AN ACT allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.

SPONSORS: Rep. Klein-Knight, Hills. 11; Rep. Moran, Hills. 34; Rep. M. Murray, Hills. 22; Rep. Hyland, Hills. 38; Rep. Query, Hills. 16; Rep. Espitia, Hills. 31; Rep. Toll, Ches. 16; Rep. Burroughs, Carr. 1

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill allows out-of-state mental health care providers to provide telehealth treatment during a mental health emergency and requires insurance coverage for out-of-state mental health services provided through telemedicine.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.

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

1 1 New Paragraph; Telemedicine; Mental Health Emergency. Amend RSA 310-A:1-g by inserting
2 after paragraph II the following new paragraph:

3 II-a. "Mental health emergency" means the department of health and human services has
4 determined that the percentage of licensed mental health professionals residing in New Hampshire
5 is inadequate to serve the population of New Hampshire. The department shall conduct an annual,
6 needs based analysis, with a report to the legislature, regarding its determination of whether to
7 declare a mental health emergency for that year.

8 2 Office of Professional Licensure and Certification; Telemedicine and Telehealth Services;
9 Temporary Authorization for Out-of-State Mental Health Care Providers to Provide Services During
10 a Mental Health Emergency. Amend RSA 310-A:1-g, IV to read as follows:

11 IV. Notwithstanding any provision of law to the contrary, an out-of-state healthcare
12 professional providing services by means of telemedicine or telehealth shall be required to be
13 licensed, certified, or registered by the appropriate licensing board within the division of health
14 professions. This paragraph shall not apply to out-of-state physicians who provide consultation
15 services pursuant to RSA 329:21, II ***or out-of-state mental health care providers who provide***
16 ***telehealth treatment to fewer than 5 patients per year during a mental health emergency.***

17 3 New Paragraph; Telemedicine; Reporting Requirement. Amend RSA 310-A:1-g by inserting
18 after paragraph VI the following new paragraph:

19 VII. For each year in which a mental health emergency is in effect, the office of professional
20 licensure and certification shall conduct an annual audit of out-of-state mental health care providers
21 who provide telehealth treatment to patients in the state of New Hampshire.

22 4 New Section; Accident and Health Insurance; Mental Health Services. Amend RSA 415 by
23 inserting after section 6-aa the following new section:

24 415:6-bb Mental Health Services; Telehealth. Each insurer that issues or renews any individual
25 policy, plan, or contract of accident or health insurance providing benefits for mental health services
26 shall provide to persons covered by such insurance who are residents of this state coverage for
27 mental health services provided through telemedicine, including treatment provided by an out-of
28 state provider during a mental health emergency pursuant to RSA 310-A:1-g.

29 5 New Section; Accident and Health Insurance; Mental Health Services. Amend RSA 415 by
30 inserting after section 18-ee the following new section:

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1 415:18-ff Mental Health Services; Telehealth. Each insurer that issues or renews any group or
2 blanket policy, plan, or contract of accident or health insurance providing benefits for mental health
3 services shall provide to persons covered by such insurance who are residents of this state coverage
4 for mental health services provided through telemedicine, including treatment provided by an out-of
5 state provider during a mental health emergency pursuant to RSA 310-A:1-g.

6 6 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

7 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
8 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
9 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
10 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
11 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, ***RSA 415:6-bb***,
12 RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA
13 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,
14 RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA
15 415:18-ee, ***RSA 415:18-ff***, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
16 provisions of title XXXVII wherein such corporations are specifically included. Every health service
17 corporation and its agents shall be subject to the fees prescribed for health service corporations
18 under RSA 400-A:29, VII.

19 7 Health Maintenance Organizations; Applicable Statutes. Amend RSA 420-B:20, III to read as
20 follows:

21 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
22 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA
23 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, ***RSA 415:6-bb***, RSA 415:18, VII-a, RSA 415:18,
24 XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-
25 v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA
26 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff***, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall
27 apply to health maintenance organizations.

28 8 Effective Date. This act shall take effect 60 days after its passage.