CHAPTER 102
SB 327 - FINAL VERSION

2018 SESSION

18-2948
10/05

SENATE BILL ***327***

AN ACT **relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.**

SPONSORS: **Sen. Feltes, Dist 15; Sen. Reagan, Dist 17; Sen. Carson, Dist 14**

COMMITTEE: **Executive Departments and Administration**

ANALYSIS

This bill removes the requirement that a member of the medical review subcommittee be from the board of medicine and reduces the time limitation for allegations of professional misconduct enforced by the board of medicine.

This bill is a request of the board of medicine.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT **relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.**

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

102:1 Medical Review Subcommittee. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 13 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of [~~one member of the board of medicine and 12 other~~] *13* persons, 3 of whom shall be public members, one of whom shall be a physician assistant, and [~~8~~] *9* of whom shall be physicians. One of the physician members shall practice in the area of pain medicine and anesthesiology. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ through the office of professional licensure and certification a physician as a medical review subcommittee investigator who shall serve at the pleasure of the board. The salary of the medical review subcommittee investigator shall be established by RSA 94:1-a.

102:2 Board of Medicine; Disciplinary Actions; Allegations of Professional Misconduct. Amend RSA 329:17, XII to read as follows:

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within [~~6~~] *5* years from the time the board could reasonably have discovered the act, omission or failure complained of, except that

conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making licensing or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The board may also consider licensee conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the [~~6 year~~] *~~5-year~~* limitation period prescribed by this paragraph.

102:3 Effective Date. This act shall take effect January 1, 2019.

Approved: May 25, 2018
Effective Date: January 01, 2019