

Amendment to SB 481-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to a special health care service license and establishing a fund.

4 Amend the bill by replacing all after the enacting clause with the following:

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6 1 New Sections; Health Facility Licensure; Special Health Care Service License Required;
7 Policies; Fees; Emergency Services. Amend RSA 151 by inserting after section 2-d the following
8 new sections:

9 151:2-e Special Health Care Service License Required; Rules; Funding.

10 I. No person shall initiate any new special health care service without acquiring a special
11 health care service license under this chapter.

12 II. In this chapter, "special health care service" shall include:

13 (a) Cardiac catheterization laboratory services;

14 (b) Open heart surgery or coronary artery bypass graft surgery; and

15 (c) Megavoltage radiation therapy.

16 III. The commissioner shall adopt rules, pursuant to RSA 541-A, to specify:

17 (a) The minimum requirements for equipment, personnel, training, operating, volume
18 and other criteria to assure the quality and safety for patients receiving each special health care
19 service;

20 (b) The procedure for applying for and maintaining a special health care service license
21 including, but not limited to, the frequency of licensing inspections, submission of information and
22 data to evaluate the performance and ongoing operation of services and enforcement under the
23 section; and

24 (c) The fees for applying for and maintaining a special health care service license in
25 order to fully off-set the cost to the department, including consultant fees and other related
26 expenses necessary to process the application, and for any ongoing expenses to the department for
27 maintaining a special health care service license.

28 IV. The provisions of this chapter applicable to applicants and facilities licensed under
29 RSA 151:2 shall apply equally to any person applying for or receiving a special health care service
30 license under this section.

31 151:2-f Policies Required for Health Facilities and Special Health Care Service Licenses. Every

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1 facility licensed under RSA 151:2, I(a) or (d) and every person holding a special health care service
2 license under RSA 151:2-e shall:

3 I. Adopt and enforce a written policy to assure that the facility provides its services to all
4 persons who require the services the facility provides regardless of the source of payment for the
5 services provided to any person;

6 II. Adopt, publicize, and apply an assistance plan for persons who are uninsured or who do
7 not have the financial resources to pay for the facility's services due to financial hardship;

8 III. Provide data to the commissioner of the department of health and human services
9 regarding the volume, cost and outcomes of services provided in the facility; and

10 IV. Pay fees under RSA 151:2-e, III to the commissioner of the department to cover the
11 costs of administering the licensing of special health care services, the administration of the quality
12 and patient safety requirements of this section, and the collection and analysis of the data collected
13 under this section.

14 151:2-g Emergency Services. Every facility licensed as a hospital under RSA 151:2, I(a) shall
15 operate an emergency department offering emergency services to all individuals regardless of
16 ability to pay 24 hours every day, 7 days a week. This requirement shall not apply to any hospital
17 licensed and operating prior to July 1, 2016, which does not operate an emergency department or to
18 any new psychiatric or substance abuse treatment hospital.

19 2 Health Facility Licensure; Application for License; Special Health Care Service. Amend
20 RSA 151:4, III(a) to read as follows:

21 III.(a) The department of health and human services shall require that applications set
22 forth the:

23 (1) Full name and address of the owner of the facility for which license is sought[.].

24 (2) Name of the persons in control thereof[.].

25 (3) Certification, where local licensing is required, that the facility conforms with
26 applicable local rules, regulations and ordinances having to do with health and safety[.].

27 (4) Name or location, or both, of community residences together with any
28 certification required under subparagraph (a)(3) of this paragraph, when the application is
29 submitted by an area agency as defined under RSA 171-A:2, I-b.

30 (5) *Certification that the applicant has notified the public of the intent to*
31 *file the application with a description of the facility or special health care service to be*
32 *licensed by publishing a notice in a newspaper of general circulation covering the area*
33 *where the service is to be located in at least 2 separate issues of the newspaper no less than*
34 *10 business days prior to the filing of the application.*

35 (6) *Certification, if the facility or special health care service is to be located*
36 *within a radius of 15 miles of a hospital certified as a critical access hospital, pursuant to*
37 *42 C.F.R. section 485.610 (b) and (c), that the applicant has given written notice of the*

1 *intent to file the application with a description of the facility or special health care*
2 *service to be licensed to the chief executive officer of the hospital by registered mail no less*
3 *than 10 business days prior to the filing of the application.*

4 *(7) For any new facility to be licensed under RSA 151:2, I(a) or (d) to be*
5 *located within a radius of 15 miles of a hospital certified as a critical access hospital,*
6 *pursuant to 42 C.F.R. section 485.610 (b) and (c), a written determination by the*
7 *commissioner of health and human services, after inquiry to the critical access hospital,*
8 *that the proposed new facility will not have a material adverse impact on the essential*
9 *health care services provided in the service area of the critical access hospital.*

10 3 New Paragraphs; Health Facility Licensure; Application for License; Special Health Care
11 Service. Amend RSA 151:4 by inserting after paragraph V the following new paragraphs:

12 VI. In addition to publication on the department's website, any application for a special
13 health care services license, under RSA 151:2-e, shall be available for inspection and copying by any
14 person immediately upon it being filed.

15 VII. Any person shall have the right, within 30 days after the filing of any application, to
16 object in writing prior to the granting by the department of any license on the grounds that the
17 application does not meet the applicable requirements of this chapter or any rule adopted under this
18 chapter. If the license is granted by the department over a timely objection, the person who
19 objected shall have a right to request a rehearing by the commissioner of the department of health
20 and human services under RSA 541:3 within 30 days and to appeal under RSA 541 based on the
21 grounds stated in the objection.

22 4 Health Facility Licensure; Health Care Services Fund Established. Amend RSA 151:18 to
23 read as follows:

24 151:18 Disposition of Fees.

25 *I. All fees received from licenses under the provisions of this chapter shall be kept by the*
26 *state treasurer in a separate fund to be paid out to the department of health and human services for*
27 *purposes of this chapter only.*

28 *II. Notwithstanding paragraph I, there is hereby established the special health*
29 *care service fund to be used to carry out the provisions of RSA 151:2-e. The fund shall be*
30 *composed of fees and any other funds collected pursuant to RSA 151:2-e. The fund shall*
31 *be nonlapsing and shall be continually appropriated to the commissioner of the*
32 *department of health and human services for the purposes of this paragraph.*

33 5 New Subparagraph; Application of Receipts; Special Health Care Service Fund. Amend
34 RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

35 (332) Moneys deposited in the special health care service fund established in
36 RSA 151:18, II.

37 6 Effective Date. This act shall take effect July 1, 2016.