

Amendment to SB 549-FN-A

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

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3 1 New Sections; Protection for Maternity and Infancy; Plan of Safe Care. Amend RSA 132 by
4 inserting after section 10-d the following new sections:

5 132:10-e Notification of Substance Exposure. Health care providers involved in the delivery or
6 care of infants born with and identified as being affected by substance abuse or withdrawal
7 symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder shall notify
8 the department of health and human services of the occurrence of such condition in the manner
9 prescribed by the department, irrespective of whether the infant was born in the hospital or other
10 setting.

11 132:10-f Development of a Plan of Safe Care. When an infant is born with and identified as
12 being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure
13 or a fetal alcohol spectrum disorder, the health care provider shall develop a plan of safe care, in
14 cooperation with the infant's parents or guardians and the department of health and human
15 services, division of public health services, as appropriate, to ensure the safety and well-being of the
16 infant, to address the health and substance use treatment needs of the infant and affected family
17 members or caregivers, and to ensure that appropriate referrals are made and services are
18 delivered to the infant and affected family members or caregivers. The plan shall take into account
19 whether the infant's prenatal drug exposure occurred as the result of medication assisted
20 treatment, or medication prescribed for the mother by a health care provider and whether the
21 infant's mother is or will be actively engaged in ongoing substance use disorder treatment following
22 discharge that would mitigate the future risk of harm to the infant. A copy of the plan of safe care
23 shall be included in the instructions for the infant upon discharge from the hospital or from the
24 health care provider involved in the development of the plan of safe care. The plan of safe care
25 shall not be submitted to the department unless it is pursuant to RSA 132:10-g or the department
26 makes an official request for a copy of the plan in compliance with confidentiality requirements.

27 132:10-g Mandatory Reporting. When a health care provider suspects that an infant has been
28 abused or neglected pursuant to RSA 169-C:3, the provider shall report to the department of health
29 and human services in accordance with RSA 169-C:29. If the infant has a plan of safe care
30 developed under RSA 132:10-f, a copy of the plan shall accompany the report.

31 2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill directs health care providers to develop a plan of safe care for infants affected by substance abuse, prenatal drug exposure, or a fetal alcohol spectrum disorder. The bill also provides that if the health care provider makes a report of possible abuse or neglect, the provider shall submit the plan of safe care to the department of health and human services.