

Amendment to HB 578-FN

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

2
3 AN ACT establishing a committee to study the safety of residents and employees in long-term
4 care facilities and relative to cost controls in long-term care.
5

6 Amend the bill by replacing all after the enacting clause with the following:
7

8 1 Committee Established. There is established a committee to study the safety of residents and
9 employees in long-term care facilities.

10 2 Membership and Compensation.

11 I. The members of the committee shall be as follows:

12 (a) Two members of the senate, appointed by the president of the senate.

13 (b) Three members of the house of representatives, appointed by the speaker of the
14 house of representatives.

15 II. Members of the committee shall receive mileage at the legislative rate when attending to
16 the duties of the committee.

17 3 Duties. The committee shall study the safety, including risk of suicide, of residents and
18 employees in long-term care facilities. The committee may solicit information from any person or
19 entity the committee deems relevant to its study.

20 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
21 among the members. The first meeting of the committee shall be called by the first-named senate
22 member. The first meeting of the committee shall be held within 45 days of the effective date of this
23 section. Three members of the committee shall constitute a quorum.

24 5 Report. The committee shall report its findings and any recommendations for proposed
25 legislation to the president of the senate, the speaker of the house of representatives, the senate
26 clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

27 6 Hospitals and Sanitaria; Consumer Choice. Amend RSA 151-E:4, I to read as follows:

28 I. A person who has been determined to be Medicaid eligible for nursing facility services in
29 accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the
30 person shall be offered and may choose to receive services in a less restrictive setting if such services
31 are available~~[-and do not result in costs to the state and counties in excess of the limitations set forth~~
32 ~~in RSA 151-E:11, II].~~ Such choice shall be offered in accordance with state laws and federal

Amendment to HB 578
- Page 2 -

1 regulations. The person shall have the right to have his or her individual support plan developed
2 through a person-centered planning process regardless of age, disability, or residential setting. The
3 department shall take into consideration the family and community supports available to the person,
4 the family's desire and ability to care for the person, and shall ensure that all consideration and
5 support is offered to the family to maintain the person in home and community-based care. Nothing
6 in this section is intended to require the provision of financial assistance or supports by a family
7 member.

8 7 Long-Term Care; Program Management and Cost Controls. Amend RSA 151-E:11, II to read
9 as follows:

10 II. ~~[For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average~~
11 ~~annual cost for the provision of services to persons in the mid-level of care shall not exceed 60~~
12 ~~percent of the average annual cost for the provision of services in a nursing facility. The average~~
13 ~~annual cost for the provision of services in home-based care shall not exceed 50 percent of the~~
14 ~~average annual cost for the provision of services to persons in a nursing facility. No person whose~~
15 ~~costs would be in excess of 80 percent of the average annual cost for the provision of services to a~~
16 ~~person in a nursing facility shall be approved for home-based or mid-level services without the prior~~
17 ~~approval of the commissioner of health and human services. The prior approval shall include a~~
18 ~~comparison of the mid-level or home-based care costs of the person with the costs of a facility~~
19 ~~qualified to provide any specialized services necessary for the proper care and treatment of the~~
20 ~~individual.]~~ The department shall provide a report annually no later than January 1 on the
21 utilization of non-nursing home services to the county-state finance commission and the legislative
22 fiscal committee. The department may report to the county-state finance commission and the
23 legislative fiscal committee more frequently if new information is provided by the Centers for
24 Medicare and Medicaid Services.

25 8 Long-Term Care; Program Management and Cost Controls. Amend RSA 151-E:11, IV to read
26 as follows:

27 IV. Pursuant to RSA 541-A, the commissioner of the department of health and human
28 services, with prior reporting to the oversight committee on health and human services, shall adopt
29 by rule[:

30 (a) methodologies for determining the cost and average annual cost of home-based care,
31 mid-level care, and intermediate, skilled, or specialized nursing facility care, including:

32 (1) (a) Bases for the methodologies;

33 (2) (b) Identification of services considered in determining costs;

34 (3) (c) Average annual costs based on the annual average number of recipients in
35 the setting;

36 (4) (d) The requirement that nursing facility care include both the initial Medicaid
37 rate and supplemental rates paid through the Medicaid Quality Incentive Program; and

Amendment to HB 578

- Page 3 -

1 ~~[(5)]~~ **(e)** The requirement that the nursing facility will include the cost for
2 transitional case management.

3 ~~[(b) A process to identify persons in home-based or mid-level care whose costs are~~
4 ~~expected to exceed 80 percent of the average annual cost for the provision of services to a person in a~~
5 ~~nursing facility.~~

6 ~~(e) A standard of review and process for prior approval by the commissioner, in~~
7 ~~accordance with paragraph II of this section, for the cases identified through the process in~~
8 ~~subparagraph (b).]~~

9 9 Effective Date.

10 I. Sections 6-8 of this act shall take effect January 1, 2021.

11 II. The remainder of this act shall take effect upon its passage.

Amendment to HB 578
- Page 4 -

2020-1277s

AMENDED ANALYSIS

This bill establishes a committee to study the safety of residents and employees in long-term care facilities.

This bill also clarifies the cost controls for long-term care services.

UNAPPROVED