

Sen. Feltes, Dist 15
Sen. Fuller Clark, Dist 21
June 5, 2020
2020-1369s
01/04

Amendment to HB 1246

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

2

3 AN ACT relative to reporting of health care associated infections, establishing a COVID-19
4 nursing home and long-term care fund, relative to an independent COVID-19 nursing
5 home and long-term care review, needs assessment, and recommendations, and
6 authorizing pharmacists to administer a COVID-19 vaccine.
7

8 Amend the bill by replacing all after section 2 with the following:

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10 3 Health and Human Services Reports Required. The commissioner of the department of health
11 and human services shall, beginning July 15, 2020, and monthly thereafter until July 15, 2021,
12 report to the joint legislative fiscal committee any reductions to appropriations contained in the state
13 operating budget for the biennium ending June 30, 2021. Such reports shall indicate reductions by
14 class line and accounting unit.

15 4 New Subparagraph; State Treasurer; Application of Receipts; COVID-19 Nursing Home and
16 Long-term Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following
17 new subparagraph:

18 (359) Moneys credited to the COVID-19 nursing home and long-term care fund
19 established in RSA 151-E:22.

20 5 New Subdivision; COVID-19 Nursing Home and Long-Term Care. Amend RSA 151-E by
21 inserting after section 21 the following new subdivision:

22 COVID-19 Nursing Home and Long-Term Care

23 151-E:22 COVID-19 Nursing Home and Long-Term Care Fund Established. There is
24 established in the state treasury a COVID-19 nursing home and long-term care fund. The fund shall
25 be administered by the commissioner of the department of health and human services and shall be
26 nonlapsing and continually appropriated to the department of health and human services for the
27 purposes of this section. The state treasurer shall transfer \$25,000,000 from federal CARES Act
28 moneys received by the state into the fund for the purpose of assisting nursing homes as defined in
29 RSA 151-A:1, IV, nursing facilities as defined in RSA 151-E:2, V, residential care facilities as defined
30 in RSA 151-E:2, VIII, long-term care facilities as defined in RSA 151-E:19, I(e), and the New
31 Hampshire veterans' home, in meeting all applicable state and federal standards and guidances
32 related to COVID-19, including for testing and personal protective equipment, for video conferencing

Amendment to HB 1246
- Page 2 -

1 technology of family members of residents, and for keeping open and avoiding layoffs at any such
2 facilities that accept Medicaid, and to pay the qualified grantee pursuant to RSA 151-E:23 The fund
3 may accept and expend additional funds for the purposes of this section as directed by the governor,
4 or the general court through the fiscal committee of the general court.

5 151-E:23 Independent COVID-19 Nursing Home and Long-Term Care Review, Needs
6 Assessment and Recommendations. The commissioner of the department of health and human
7 services shall issue a request for proposals for a qualified grantee, with the approval of governor and
8 council, to undertake an independent review of the COVID-19 situation in long-term care and
9 nursing homes in New Hampshire and provide a needs assessment to provide recommendations for
10 further COVID-19 related funding, safety and public health upgrades, standards and rules for
11 nursing homes, nursing facilities, residential care facilities, long-term care facilities, and the New
12 Hampshire veterans' home, and providing a preparedness plan in the event of a second COVID-19
13 wave for such facilities, to be submitted to the governor, the chairpersons of the house and senate
14 finance committees, the chairpersons of the senate health and human services committee and the
15 house health, human services and elderly affairs committee, and the committee to study the safety of
16 residents and employees in long-term care facilities, no later than October 1, 2020. Neither the
17 governor, the governor's office, nor the commissioner shall direct this independent review and needs
18 assessment but each shall respond to any requests for information from the grantee. The grantee
19 shall include in the final report all such requests for information and whether such requests were
20 responded to or not responded to. The commissioner shall direct payment to the grantee conducting
21 the independent review and needs assessment required in this section from the COVID-19 nursing
22 home and long-term care fund established in RSA 151-E:22.

23 6 New Hampshire Child Care Scholarship for Working Families. The treasurer and the
24 governor shall transfer \$10,000,000 from federal CARES Act moneys received by the state to the
25 department of health and human services, division for children, youth, and families, for the purposes
26 of augmenting the child care scholarship program. As a result of these additional funds, for the
27 period of July 1, 2020 through June 30, 2021, the commissioner shall expand program eligibility to
28 include families between 220 percent and 250 percent of federal poverty guidelines and shall
29 proportionally enhance program assistance across all tiers.

30 7 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

31 318:16-b Pharmacist Administration of Vaccines. A pharmacist or pharmacy intern under the
32 direct supervision of an immunizing pharmacist may administer influenza vaccines to the general
33 public and a pharmacist or pharmacy intern may administer pneumococcal and varicella zoster
34 vaccines to individuals 18 years of age or older, provided all of the criteria in this section have been
35 met. ***A pharmacist or pharmacy intern under the direct supervision of an immunizing***
36 ***pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable***
37 ***criteria in this section have been met.*** The pharmacist and pharmacy intern shall:

Amendment to HB 1246
- Page 3 -

1 I. Hold a current license to practice as a pharmacist or be registered as a pharmacy intern
2 under RSA 318:15-b in New Hampshire.

3 II. Possess at least \$1,000,000 of professional liability insurance coverage.

4 III. In order to administer influenza, pneumococcal, and varicella zoster vaccines, have
5 completed training specific to the administering of the respective vaccines that includes programs
6 approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based
7 programs from an ACPE-accredited college of pharmacy or state or local health department
8 programs or programs recognized by the board.

9 IV. Provide to the board evidence of compliance with paragraphs I-III.

10 V. Provide notice to the primary care provider, when designated by the patient, of the
11 administration of the pneumococcal and varicella zoster vaccines.

12 VI. Maintain a record of administration of pneumococcal and varicella zoster vaccinations
13 for each individual as required by state and federal law.

14 8 Online Access to Budget Information and Reports; CARES Act Funding; Report Required.
15 Beginning July 1, 2020 through June 30, 2021, the commissioner of the department of
16 administrative services and the governor's office for economic relief and recovery, shall separately
17 report on the state's transparency website consistent with the requirements of RSA 9-F:1, the
18 disbursement of all CARES Act funds, in a check register format, including the amount of the
19 payment, the date of the payment, the person or entity to whom the payment was made, the title
20 and number of the accounting unit and class code, the title and number of the expense account, and
21 a brief description of the disbursement.

22 9 Effective Date.

23 I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

Amendment to HB 1246
- Page 4 -

2020-1369s

AMENDED ANALYSIS

This bill:

- I. Clarifies the information that hospitals must report regarding infections.
- II. Requires the department of health and human services to produce certain reports.
- III. Establishes the COVID-19 nursing home and long-term care fund.
- IV. Requires an independent review of long-term care needs.
- V. Transfers money to the child care scholarship program.
- VI. Authorizes pharmacists to administer a COVID-19 vaccine if one is available.
- VII. Requires reporting of disbursements of federal CARES Act funds.