

Amendment to HB 1246

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

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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,
6 authorizing pharmacists to administer a COVID-19 vaccine, and relative to the
7 reimbursement of costs of training nursing assistants.
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9 Amend the bill by replacing all after section 2 with the following:

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

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

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

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

23 COVID-19 Nursing Home and Long-Term Care

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

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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 up to 275 percent of federal poverty guidelines and shall proportionally enhance
29 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:

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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 Purpose and Findings. The general court finds that:

23 I. Licensed nursing assistants are the front-line providers of direct care in many settings,
24 including hospitals and nursing homes. New Hampshire has recently seen a net loss of licensed
25 nursing assistants, to the detriment of the staffing necessary to ensure continuity and quality of
26 care.

27 II. Under federal law, including 42 C.F.R. section 483.158, federal financial participation is
28 allowed for the reimbursement of training expenses of those nursing assistants who go to work in
29 nursing homes. While nursing assistants might incur those costs themselves, they are often
30 incurred by a prospective employer.

31 III. It is the intent of the general court to remove any unreasonable barriers to the licensure
32 and training of nursing assistants.

33 10 Health Facility Licensing; Costs of Training for Nurse Assistants; State Plan Amendment.
34 The commissioner of the department of health and human services shall amend, as deemed
35 necessary, the Title XIX Medicaid state amendment to the federal Centers for Medicare and
36 Medicaid Services to implement the provisions of sections 9 and 11 of this act for the purpose of

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1 providing reimbursement, to the maximum extent possible, for the cost of training for assistants to
2 nurses in facilities licensed under RSA 151:2 for approved programs under RSA 326-B.

3 11 Health Facility Licensing; Costs of Training for Nurse Assistants. Amend RSA 151:9, I(k) to
4 read as follows:

5 (k) Procedures for reviewing documentation of the mandatory completion of, ***and***
6 ***reimbursement for***, a state approved program under RSA 326-B for assistants to nurses in
7 facilities licensed under RSA 151:2[~~who may not assume the responsibility of the position of an~~
8 ~~assistant to nurses prior to completion of the appropriate course required by this chapter~~] ***in***
9 ***accordance with the Title XIX Medicaid state plan.***

10 12 Effective Date.

11 I. Sections 1, 2, and 9-11 of this act shall take effect 60 days after its passage.

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

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2020-1430s

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.
- VIII. Requires the commissioner of health and human services to amend the state Medicaid plan amendment and adopt rules for reimbursement of the costs of training nursing assistants.