

HB 732-FN - AS AMENDED BY THE HOUSE

20Mar2025... 0761h
20Mar2025... 1037h

2025 SESSION

25-0756
05/11

HOUSE BILL

732-FN

AN ACT to enhance informed consent and accountability in psychotropic drug prescriptions for children under Medicaid.

SPONSORS: Rep. Cordelli, Carr. 7; Rep. Layon, Rock. 13; Rep. M. Pearson, Rock. 34; Rep. Mazur, Hills. 44; Sen. Gannon, Dist 23; Sen. Sullivan, Dist 18

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill requires medical care providers to review FDA medication guides with the parent, guardian, or state-designated caregiver before prescribing a psychotropic drug for a minor under Medicaid.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT to enhance informed consent and accountability in psychotropic drug prescriptions for children under Medicaid.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Psychotropic Drug Prescriptions for Children under Medicaid; Informed Consent
2 Required. Amend RSA 167 by inserting after section 3-m the following new section:

3 167:3-n Psychotropic Drug Prescriptions for Children under Medicaid; Informed Consent
4 Required.

5 I. In this section:

6 (a) "Psychotropic drugs" shall have the same meaning as "psychotropic medication",
7 defined in RSA 169-D:2, XIII-a, and shall include stimulants, including ADHD drugs such as
8 methylphenidate, antidepressants, antipsychotics, and other behavioral drugs.

9 (b) "Medical care providers" shall have the same meaning as in RSA 507-E:1, II.

10 (c) "FDA medication guides" are handouts that come with many prescription medicines.
11 The guides address issues that are specific to particular drugs and drug classes, and they contain
12 FDA-approved information that can help patients avoid serious adverse events.

13 (d) "State-designated caregiver" shall mean the department of health and human
14 services if the department has authority to consent to medical treatment for the minor in accordance
15 with RSA 463:12-a.

16 II.(a) Medical care providers prescribing psychotropic drugs to minors under Medicaid shall
17 provide FDA medication guides to the parent, legal guardian, or state-designated caregiver before
18 the prescription is issued.

19 (b) A physical copy of the FDA medication guide shall be printed and reviewed with the
20 parent, legal guardian, or state-designated caregiver to explain:

21 (1) The FDA-identified risks of the medication, including pediatric-specific warnings.

22 (2) The signs of potential side effects and adverse drug reactions detailed within the
23 medication guide.

24 III. Before a medical care provider prescribes a psychotropic drug, the provider shall obtain
25 written informed consent from the parent, legal guardian, or state-designated caregiver confirming
26 they have received and reviewed the FDA medication guide and understand the associated risks and
27 side effects.

28 IV. Medical care providers who fail to comply with the requirements of this section may face
29 penalties, including suspension of Medicaid reimbursements.

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1 V. Medical care providers who fail to comply with the informed consent and medication
2 guide requirements of this section shall be reported to the board of medicine or other appropriate
3 governing board for the health care provider involved.

4 2 Effective Date. This act shall take effect April 1, 2026.

HB 732-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENTS #2025-0761h and #2025-1037h)

AN ACT to enhance informed consent and accountability in psychotropic drug prescriptions for children under Medicaid.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$250,000 - \$625,000 general fund increase; indeterminable federal fund increase	\$1,000,000 - \$2,500,000 general fund increase; indeterminable federal fund increase	\$1,000,000 - \$2,500,000 general fund increase; indeterminable federal fund increase
<i>Funding Source(s)</i>	General Fund; matching federal funds			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill requires medical providers prescribing psychotropic drugs to minors under Medicaid to provide FDA medication guides to parents and guardians, review the medication guide with the parents and guardians, and obtain written informed consent from the parent or legal guardian confirming receipt, review, and an understanding of associated risks and side effects.

The Department of Health and Human Services contends the bill will result in considerable costs to the state for investigating complaints and disenrolling providers who choose not to accept Medicaid recipients as patients due to the additional requirements imposed on these providers. In the aggregate, the Department expects increased general fund costs of \$1 million to \$2.5 million per year, with an indeterminable impact on federal matching funds. As the bill has an effective date of April 1, 2026, the fiscal impact in FY26 will be one-quarter of the annual amount.

AGENCIES CONTACTED:

Department of Health and Human Services

