

Sen. Pearl, Dist 17
February 6, 2025
2025-0307s
05/02

Floor Amendment to SB 37

1 Amend the bill by replacing all after section 1 with the following:

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3 2 Residential Care and Health Facility Licensing; Investigations and Consultations. Amend
4 RSA 151:6, I to read as follows:

5 I. The department of health and human services may investigate, in response to a complaint
6 alleging a violation of this chapter or when it has good reason to believe that the provisions of this
7 chapter or rules adopted under this chapter have been violated by any facility licensed under this
8 chapter ***or agency required to be licensed in accordance to RSA 151:2, I*** or any facility
9 providing ***services beyond*** room and board to 2 or more individuals unrelated to the owner or
10 manager. Such investigations shall be conducted in accordance with rules adopted by the
11 commissioner of the department of health and human services under RSA 151:9. The commissioner
12 of the department of health and human services shall, when necessary, seek the assistance of local
13 and state law enforcement authorities in order to complete its investigation. ***Investigation results***
14 ***shall be provided as a written report that identifies any noncompliance with this chapter***
15 ***and applicable rules adopted under this chapter. The results of investigations shall be***
16 ***posted on the department's website in the manner determined by the commissioner of the***
17 ***department of health and human services. The results so posted shall indicate the***
18 ***facilities and services investigated and the results for each such facility or service.***
19 ***Investigation results shall not be subject to RSA 151:13.***

20 3 Residential Care and Health Facility Licensing; Annual Inspection. Amend RSA 151:6-a, II(c)
21 to read as follows:

22 (c) Facilities shall ~~not~~ be required to post notices to correct issued under subparagraph
23 (a) of this paragraph.

24 4 New Subparagraph; Residential Care and Health Facility Licensing; Annual Inspection.
25 Amend RSA 151:6-a, II by inserting after subparagraph (e) the following new subparagraph:

26 (f) The results of all inspections under this paragraph shall be posted to the
27 department's website in the manner determined by the commissioner of the department of health
28 and human services. The results so posted shall indicate the facilities and services inspected and
29 the results for each such facility or service. Inspection results shall not be subject to RSA 151:13.

30 5 Residential Care and Health Facility Licensing; Civil Fines. Amend RSA 151:16-b to read as
31 follows:

Floor Amendment to SB 37

- Page 2 -

1 151:16-b Civil Fines. All ~~[administrative fines and other]~~ civil monetary penalties collected by
2 the department from facilities licensed under this chapter shall be kept by the state treasurer in a
3 separate, non-lapsing, interest bearing account. Interest earned on moneys deposited in the account
4 shall be deposited into the account. The moneys in the account shall be used by the department for
5 the protection of the health and property of residents of facilities licensed under this chapter.

6 6 Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21,
7 XXIII(b)(1)(D) to read as follows:

8 (D) Visitors are noncompliant with written ~~[hospital]~~ **facility** policy.

9 7 Residential Care and Health Facility Licensing: Patients' Bill of Rights. Amend RSA 151:21,
10 XXIII(f)(3)to read as follows:

11 (3) ~~[Hospital]~~ **Facility** visitation policy detailing the rights and responsibilities
12 specified in this paragraph, and the limitations placed upon those rights by written ~~[hospital]~~
13 **facility** policy on its website.

14 8 Residential Care and Health Facility Licensing; Dementia Training for Direct Care Staff in
15 Residential Facilities; Continuing Education. Amend RSA 151:50 to read as follows:

16 151:50 Continuing Education. The commissioner shall adopt rules to require at least 6 hours of
17 initial ~~[continuing]~~ education for covered administrative staff members and covered direct service
18 staff members and shall require at least 4 hours of ~~[ongoing training]~~ **continuing education** each
19 calendar year. Such continuing education shall include new information on best practices in the
20 treatment and care of persons with dementia.

21 9 Effective Date.

22 I. Sections 5, 6, 7, and 8 of this act shall take effect July 1, 2025.

23 II. Sections 1, 2, 3, and 4 of this act shall take effect 60 days after its passage.

Floor Amendment to SB 37
- Page 3 -

2025-0307s

AMENDED ANALYSIS

This bill revises residential care and health facility licensing requirements by (1) requiring licensed residential care facilities to have quality assurance programs; (2) requiring the results of investigations and inspections to be posted on the department of health and human services website; (3) removing a redundant reference to administrative fines; (4) changing the term “hospital” to the term “facility;” and (5) removing the word “continuing” from the initial education requirements and replacing the term “ongoing training” with continuing education in the annual training requirement.