

Sen. Abbas, Dist 22
Sen. Birdsell, Dist 19
May 13, 2026
2026-1972s
12/09

Floor Amendment to HB 1565-FN

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

2
3 AN ACT relative to the penalty for false reports of suspected abuse and neglect made to the
4 division for children, youth, and families, relative to owner's project manager services
5 for school building aid projects, and relative to long-term care eligibility and making
6 an appropriation therefor.
7

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

9
10 3 School Building Aid; Approval of Plans; Specifications, and Costs of Construction or Purchase.
11 Amend RSA 198:15-c, III to read as follows:

12 III. A school district or chartered public school that [~~accepts~~] ***applies for*** school building aid
13 for construction shall ***have*** [~~engage~~] ***engaged*** the services of an owner's project manager for
14 construction or reconstruction/renovation projects of \$1,250,000 or more, unless the commissioner
15 waives such requirement as unnecessary. The owner's project manager shall have his or her own
16 comprehensive liability and auto insurance, workers' compensation coverage, and professional
17 liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to
18 the required services, responsibilities, and qualifications for the owner's project manager to ensure
19 the project owner's best interests are carried out.

20 4 New Paragraphs; Application for Assistance. Amend RSA 167:8 by inserting after paragraph
21 II the following new paragraphs:

22 III. Notwithstanding any other provision of this chapter, within 90 calendar days of the
23 receipt of a long-term care medical assistance application by the department of health and human
24 services, the department shall grant provisional eligibility on his or her application for Medicaid
25 nursing facility services if the facility agrees through contract to comply with the terms of the
26 contract and the provisions of this chapter. Such provisional eligibility shall be made without regard
27 to whether the application is deemed complete.

28 IV. The department shall maintain the applicant's provisional eligibility and make
29 payments for care at the same nursing facility rate as a fully eligible individual, until a
30 determination is made on the individual's application for nursing facility services. Provisional
31 eligibility shall terminate 18 months from the application date unless otherwise terminated as a
32 result of a final determination approving or denying the application or as otherwise provided for in

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1 this section. In the event that final approval of the application is not entered within 12 months of
2 the application, the provider of care may, within 45 days, commence an action pursuant to RSA 151-
3 I:2 for the appointment of a special Medicaid representative. If an action is not commenced timely,
4 or if the facility otherwise requests at any time, then provisional eligibility shall terminate.

5 V. The department shall distribute state funds as payments to providers for services
6 rendered to individuals provisionally eligible under this section upon execution of contract approved
7 by governor and council. Once a final determination has been made on an application, any provider
8 who received payments under this section for services rendered for a provisionally eligible individual
9 shall reimburse the department the total amount received for services rendered for that
10 provisionally eligible individual. Any facility who fails to reimburse the department for services
11 rendered shall be subject to sanctions in accordance with the terms of the contract.

12 VI. Notwithstanding any other provision of law, if expenditures for the purposes of this
13 section are greater than the amounts appropriated, the commissioner of the department of health
14 and human services may request, with prior approval of the joint legislative fiscal committee of the
15 general court, that the governor and council authorize additional funding to address the provisional
16 eligibility shortfall. Upon fiscal committee and governor and council approval, the governor is
17 authorized to draw a warrant from any money in the treasury not otherwise appropriated.

18 5 Appropriation; Provisional Eligibility. The sum of \$1 is hereby appropriated for the biennium
19 ending June 30, 2027, to the department of health and human services for the purposes of funding
20 provisional eligibility expenses RSA 167:8. The governor is authorized to draw a warrant for said
21 sum out of money in the treasury not otherwise appropriated.

22 6 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, I(b) to
23 read as follows:

24 (b) Counties shall not be liable for ***provisional eligibility appropriations and/or***
25 ***payments as identified in RSA 167:8, and for*** Medicaid recipients in state institutions~~[, the~~
26 ~~Crotched Mountain Rehabilitation Center,]~~ and intermediate care facilities (ICF) approved by the
27 department of health and human services and servicing developmentally impaired persons.

28 7 Department of Health and Human Services; Appropriation; Positions Created. There is
29 hereby established in the department of health and human services 2 positions for the purpose of
30 managing the provisional eligibility program in accordance with RSA 167:8. The sum necessary to
31 fund such position for the fiscal year ending June 30, 2027, is hereby appropriated to the department
32 of health and human services. The governor is authorized to draw a warrant for said sum out of any
33 money in the treasury otherwise not appropriated.

34 8 Effective Date.

35 I. Section 3 of this act shall take effect 60 days after its passage.

36 II. The remainder of this act shall take effect July 1, 2026.

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AMENDED ANALYSIS

This bill:

I. Provides that reports of suspected abuse and neglect may include the name of the person making the report and that a person who makes a false report maliciously or with the intent to cause harm shall be guilty of a misdemeanor.

II. Creates a private right of action for civil damages against a person who makes a false report of suspected abuse or neglect.

III. Requires schools to have engaged the services of an owner's project manager at the time they apply for school building aid.

IV. Establishes provisional eligibility for Medicaid nursing facility services as part of the long-term care application process and makes an appropriation to the department of health and human services for this purpose.