HB 1565-FN - VERSION ADOPTED BY BOTH BODIES

05/14/2026 1972s
4Jun2026... 2058CofC
4Jun2026... 2192EBA

2026 SESSION

26-2438
12/09

HOUSE BILL ***1565-FN***

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

SPONSORS: Rep. Spillane, Rock. 2; Rep. Cole, Hills. 26; Rep. Aures, Merr. 13; Rep. McFarlane, Graf. 18; Rep. Notter, Hills. 12; Rep. Kofalt, Hills. 32; Rep. Morton, Hills. 39; Rep. Ammon, Hills. 42; Rep. Roy, Rock. 31; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE: Children and Family Law

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.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six

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

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

1 Child Protection Act; Reporting Law; Nature of Report; Liability. Amend RSA 169-C:30 and RSA 169-C:31 to read as follows:

169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department. ***Reports made to the department may include the name, address, or phone number of the person or persons making the report of suspected abuse or neglect of a child under this chapter.***

169-C:31 Immunity From Liability.

I. Anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.

II. Nothing in this section shall provide civil or criminal immunity for a professional mandatory reporter who knowingly fails to make a report of suspected abuse or neglect under RSA 169-C:29 or for a person who knowingly files a false report of abuse or neglect.

2 New Sections; Child Abuse; Intentional False Report; Civil Liability. Amend RSA 169-C by inserting after section 31 the following new sections:

169-C:31-a Intentional False Report of Abuse or Neglect. A person is guilty of a misdemeanor if he or she knowingly provides false information or causes another to provide false information of suspected child abuse or neglect as defined by RSA 169-C:3 to the department or to any professional mandatory reporter of suspected child abuse identified in RSA 169-C:29.

169-C:31-b Civil Liability. Any person harmed by the intentional submission of a false report of abuse or neglect under RSA 169-C:31-a may bring a civil action against the responsible party for monetary damages and other appropriate relief.

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

III. A school district or chartered public school that [~~accepts~~] ***applies for*** school building aid for construction shall ***have*** [~~engage~~] ***engaged*** the services of an owner's project manager for construction or reconstruction/renovation projects of [~~$1,250,000~~] ***$1,500,000*** or more, unless the commissioner waives such requirement as unnecessary. The owner's project manager shall have his or her own comprehensive liability and auto insurance, workers' compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the owner's project manager to ensure the project owner's best interests are carried out.

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

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

IV. The department shall maintain the applicant's provisional eligibility and make payments for care at the same nursing facility rate as a fully eligible individual, until a determination is made on the individual's application for nursing facility services. Provisional eligibility shall terminate 18 months from the application date unless otherwise terminated as a result of a final determination approving or denying the application or as otherwise provided for in this section. In the event that final approval of the application is not entered within 12 months of the application, the provider of care may, within 45 days, commence an action pursuant to RSA 151-I:2 for the appointment of a special Medicaid representative. If an action is not commenced timely, or if the facility otherwise requests at any time, then provisional eligibility shall terminate.

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

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

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

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

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

7 Effective Date. This act shall take effect 60 days after its passage.

LBA
26-2438
05/26/2026

HB 1565-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2026-1972s)

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

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	Sections 1-2: Indeterminable Sections 4-7: Indeterminable, but potentially $20.9 million	Sections 1-2: Indeterminable Sections 4-7: $258,000	Sections 1-2: Indeterminable Sections 4-7: $270,000
Funding Source(s)	None			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

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

Estimated Political Subdivision Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Sections 1-2: Indeterminable		
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Sections 1-3: Indeterminable		

METHODOLOGY:

__Sections 1 and 2__ of this bill makes various changes relative to reports of suspected abuse and neglect made to the Division for Children, Youth, and Families. In so doing, the bill modifies criminal penalties, and may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at:

https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf.

In addition, the bill allows those harmed by the intentional submission of a false report of abuse or neglect under RSA 169-C:31 to bring civil actions for monetary damages and other relief. The Judicial Branch has provided the following information relative to civil case costs and fees:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2026	FY 2027
Superior Court Complex Civil Case	$1,283	$1,342
Superior Court Routine Civil Case	$476	$495

Common Civil Case Fees

Superior Court Fees	As of 07/01/25
Original Entry Fee	$325
Third-Party Claim	$325
Motion to Reopen	$195

Section 3 changes the time when a school district or chartered public school must retain the services of an owner's project manager (OPM) for the purposes of applying for a school building aid grant. Currently, OPMs are only required to be retained for a building aid applicant to receive an award. This bill would require applicants to retain the services of an OPM prior to submitting a building aid application. At the time of application submittal, there is no guarantee that an appropriation will be available or that applicants will receive an award. Any impact that this bill may have on local school districts applying for school building aid is indeterminable. For informational purposes, the Department of Education states that the services for an OPM generally run at 1% to 5% of the total project cost.

Sections 4-7 establish provisional eligibility for Medicaid nursing facility services as part of the long-term care application process. The bill appropriates $1 to the Department of Health and Human Services for the FY 26/27 biennium to fund provisional eligibility expenses. The bill also establishes two positions to manage the provisional eligibility program and appropriates the general funds necessary to fund such positions in FY 2026 and FY 2027. In addition, the bill provides open warrant language stating that if expenditures for provisional eligibility are greater than the amounts appropriated, the Commissioner of the Department of Health and Human Services may request, with prior approval of the Joint Legislative Fiscal Committee, that the Governor and council authorize additional funding.

The Department indicates it will pay state dollars to nursing facilities for services rendered to individuals provisionally eligible upon execution of a contract approved by Governor and Council. Once a final determination on the long-term care medical assistance application has been made, nursing facilities, regardless of whether the application was approved or denied, will reimburse the Department for the amount received for services rendered for the applicant that was determined to be provisionally eligible. Any nursing facility that fails to reimburse the Department will be liable for sanctions under the contract.

The Department assumes a nursing facility will be reimbursed for its applicable nursing facility rate from the date of application to the date of approval. The Department assumes that, since nursing facilities will be liable to reimburse the Department within 90-days after a final determination of applicant's application for long-term care medical assistance, the funds appropriated by the bill will create a revolving fund. Through this revolving fund, the Department will continue to pay nursing facilities for individuals deemed provisionally eligible and such nursing facilities will then reimburse the Department, replenishing the fund, for the total amount paid under the provisional eligibility period.

Consistent with the cost estimates supplied for a similar bill (SB 131) from the 2025 session, the Department notes that in the preceding year, it was unable to make a determination on approximately 1,400 nursing facility long term care medical assistance applications within 90-days of the application date. (The Department states that this was due to applications being incomplete and missing required documentation from the applicant.) If all applications that exceed 90 days were granted up to 18 months of provisional eligibility, $34 million would be needed to pay one year of provisional eligibility claims. The Department assumes that not all nursing facilities will contract and elect to receive provisional eligibility for nursing facility long-term care medical assistance applications that exceed 90 days. The Department expects nursing facilities will elect provisional eligibility for approximately 60 percent of applications eligible for provisional eligibility, reducing the general funds appropriations needed to support the revolving payment structure to approximately $20.4 million.

The Department assumes the two positions established by the bill would be Program Planning and Review Specialists and estimated the cost for these positions would be $246,000 in FY27 $258,000 in FY28 and $270,000 for FY29.

The Department also contends that an IT system would be needed to track the claims paid with general funds and then reconcile out the Medicaid payments that are eventually made with those initially paid claims. The cost of the development of this system is estimated at $255,000 in FY27.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association