

SB 37 - AS AMENDED BY THE SENATE

02/13/2025 0012s

02/13/2025 0307s

2025 SESSION

25-0297

05/02

SENATE BILL **37**

AN ACT relative to residential care and health facility licensing.

SPONSORS: Sen. Pearl, Dist 17; Sen. Birdsell, Dist 19; Sen. Rosenwald, Dist 13; Rep. M. Pearson, Rock. 34; Rep. Grote, Rock. 24

COMMITTEE: Health and Human Services

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.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through]~~.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to residential care and health facility licensing.

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

1 1 Residential Care and Health Facility Licensing; Proceedings of Residential Care Facility
2 Quality Assurance Program; Confidentiality. Amend RSA 151:5-c, I to read as follows:

3 I. To help assure quality care of residents in licensed residential care facilities, such
4 facilities ~~[may voluntarily]~~ **shall** maintain a quality assurance program for its residents as set forth
5 in this section.

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

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

23 3 Residential Care and Health Facility Licensing; Annual Inspection. Amend RSA 151:6-a, II(c)
24 to read as follows:

25 (c) Facilities shall ~~[not]~~ be required to post notices to correct issued under subparagraph
26 (a) of this paragraph.

27 4 New Subparagraph; Residential Care and Health Facility Licensing; Annual Inspection.
28 Amend RSA 151:6-a, II by inserting after subparagraph (e) the following new subparagraph:

29 (f) The results of all inspections under this paragraph shall be posted to the
30 department's website in the manner determined by the commissioner of the department of health

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1 and human services. The results so posted shall indicate the facilities and services inspected and
2 the results for each such facility or service. Inspection results shall not be subject to RSA 151:13.

3 5 Residential Care and Health Facility Licensing; Civil Fines. Amend RSA 151:16-b to read as
4 follows:

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

10 6 Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21,
11 XXIII(b)(1)(D) to read as follows:

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

13 7 Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21,
14 XXIII(f)(3)to read as follows:

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

18 8 Residential Care and Health Facility Licensing; Dementia Training for Direct Care Staff in
19 Residential Facilities; Continuing Education. Amend RSA 151:50 to read as follows:

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

25 9 Effective Date.

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

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