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SOLVING PROBLEMS THROUGH POLICY CHANGE

100 N Main Street
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January 14, 2026

The Honorable Wayne McDonald, Chair
House Health, Human Services, and Elderly Affairs Committee
Granite Place, Room 158
Concord, NH 03301

Re: New Futures' testimony regarding House Bill 1784 (relative to the health care consumer protection trust fund)

Dear Chair MacDonald and Honorable Members of the Committee:

New Futures appreciates the opportunity to submit testimony in relation to HB 1784 (relative to the health care consumer protection trust fund). New Futures is a nonpartisan, nonprofit organization that works to solve New Hampshire's problems through policy change. In this role, we work extensively with policy makers, health care providers, and families to increase access to quality, affordable health care across the Granite State.

New Futures strongly supports the Health Care Consumer Protection Advisory Commission's (HCPAC) mission of expending its finite funds in sustainable ways that benefit health care consumers in New Hampshire. The gaps that result from large healthcare mergers and acquisitions are often hard to predict, obscured from public view, and difficult to assess. That is why it is imperative to have a body like the HCPAC to assess shortcomings and address community needs in the wake of these transactions.

That said, New Futures is wary of HB 1784 as currently written and asks this Committee to table the bill as premature. At the last HCPAC meeting on December 22, 2025, Committee member and Senator Tim McGough referred to HB 1784 as a "blank canvas . . . [through which] the Commission may or may not want to provide input and add to the Commission's statute." (See Attachment 1, *Minutes from the Dec. 22, 2025 HCPAC Meeting*, at 4). HCPAC Chair—Attorney General John Formella—added that the Committee could discuss what, if anything, the Committee would want to add to the statute at the next HCPAC meeting on January 26. (See id.) Whereas the HCPAC itself has not begun to discuss what changes it would like to make to the HCPAC statute, RSA 7:6-G, New Futures advises this Committee to exercise caution in endorsing a bill that has yet to even be discussed by the HCPAC.

With that in mind, there is good reason to leave RSA 7:6-G in place as it currently stands. As HCPAC Chair Formella, stated at the last meeting, "the current language of the statute is intentionally broad so that the Commission can shift priorities as the needs of the State's healthcare consumers shift . . . [c]hanging the language could inhibit the Commission's ability to be responsive

to those needs." (See Attachment 1, *Minutes from the Dec. 22, 2025 HCPAC Meeting*, at 4). Chair Formella went on to add that "limiting the statute would take away the Commission's flexibility." (Id. at 5.) Multiple counterparts agreed with Chair Formella's thoughts. (See id. at 4–5.)

One example of how the Commission may constrain its responsiveness through this bill as proposed can be seen through HB 1784's limitations on academic research. As it stands today, unless research is a condition of a settlement, judgment, or other resolution, the HCPAC has full authority to choose whether or not to fund academic research. The HCPAC may decide that it has no present need for further research, and it may decline to fund any such proposals. If HB 1784's restriction is adopted and if healthcare markets change, however, a future HCPAC may be unnecessary restrained from relevant information gathering. It's imprudent to limit the HCPAC's flexibility to make such decisions as the healthcare market in New Hampshire is not stagnant.

In light of the incomplete nature of HB 1784 and in light of the concerns noted by Chair Formella at the December HCPAC meeting, New Futures asks this Committee to table HB 1784 at this time. It is premature to weigh this bill when the HCPAC has yet to do so. Once the HCPAC has had the opportunity to assess whether changes to RSA 7:6-G are needed, this Committee—and all relevant stakeholders—can meaningfully weigh in.

Thank you for your time and consideration.

Respectfully submitted,

Sam Burgess
Director of Healthcare Policy
New Futures

HEALTHCARE CONSUMER PROTECTION ADVISORY COMMISSION
MINUTES OF COMMISSION MEETING
DECEMBER 22, 2025

The Healthcare Consumer Protection Advisory commission met at the Department of Justice in Concord, NH, on December 22, 2025, at 10:00 AM, according to the notice.

The members of the Commission who were present:

- John Formella (Attorney General)
- Senator Tim McGough (New Hampshire Senate)
- Representative Julie Miles (New Hampshire House of Representatives)
- Jason Aziz, Ph. D (Department of Insurance designee)
- Melissa St. Cyr, Esq. (Department of Health and Human Services designee)
- Marie Ramas, MD (Public Member)
- Mitchell Cohen, MD (Public Member)

Staff of the Commission:

- Jessica T. Vassillion (Investigative Paralegal, Department of Justice, Consumer Protection and Antitrust Bureau)

Senator Tim McGough called the meeting to order at approximately 10:00 AM. Senator McGough introduced a new member, Mitchell Cohen, MD, to the Commission. Dr. Cohen thanked the Commission for welcoming him. Dr. Cohen highlighted his practice as an Internist that specialized in substance addiction and pain management at St. Joseph's Hospital and a Primary Care physician for 30 years.

Senator McGough nominated Attorney General John Formella as the Commission's Chairperson, the nomination was seconded by Representative Julie Miles. Attorney General Formella accepted the nomination which was then unanimously approved by the Commission. Dr. Ramas thanked the Attorney General for his leadership.

- Motion: **Nomination of Attorney General John Formella as Chair of the Commission**
- Made by: Senator Tim McGough
- Seconded by: Representative Julie Miles
  Outcome: Unanimously passed

Attorney General Formella thanked the Commission, then updated the Commission on the current status of several projects in response to some questions received by the Commission. He noted that the numbers are approximate, and he would try to have more concrete numbers at the next meeting.

- UNH Center for Studying Health Care Markets

    - Approximately $1.6 million over 4 years
- Plaistow ALS Grant
    - Replacement for a service that was eliminated in the fall of 2024
    - Not to exceed $1.38 million
- Merrimack Adult Day Care Center Grant
    - Approved by Commission, not yet approved by Governor and Executive Council
    - Waiting on additional information to finalize grant agreement with terms
    - Not to exceed $182,500

Attorney General Formella relayed that the Trust Fund currently has a balance of approximately $4 million. In 2026, it is estimated that Trust Fund will receive $1 million from the Beth Israel-Exeter transaction. The fund will receive approximately $1,750,000 between 2027 through 2032 with the Exeter funds and the HCA - CMC transaction funds. Additionally, the fund will receive $750,000 between 2033 through 2037, which is the remainder of the HCA-CMC funds. Attorney General Formella noted that the HCA – CMC funds are restricted in that 50% must be utilized in the Greater Manchester area. Those programs could include those such as Poisson Dental Clinic and Health Care for the Homeless. He said that the Commission has discretion and flexibility as to how the rest of the funds are spent. Attorney General Formella opened the floor up for questions from the Commission, however no questions were asked. He noted that the Commission can be nimble and flexible, but they should also be deliberate and strategic. He said that the Commission will need to step back and decide where to allocate funds.

Attorney General Formella turned the Commission's attention to the meeting minutes from the meeting held on October 8, 2025, and proposed a change to the minutes. He directed Commission members to a sentence on page three, at the end of paragraph two "*He proffered that it should be made clear to the public that this is simply a test as the Commission determines how best to consider proposals in the future."* Attorney General Formella proposed that the word "test" should be revised to "pilot." The Commission was then directed to the red lines at the bottom of page three, all agreed that the red lines were fine.

- Motion: **To accept the minutes of the meeting held on October 8, 2025, as revised**
- Made by: Marie Ramas, MD.
- Seconded by: Melissa St. Cyr
  Outcome: Unanimously passed

Attorney General Formella said that approximately 80% of funds were left to be allocated. He proposed that the Commission discuss and decide on a process to accept and review proposals and suggest a time frame for which proposals would be accepted. He noted no funding would be provided until it was approved by the Commission. Additionally, he suggested that the Commission continue to receive community input and also schedule community meetings. He suggested that the next community meeting should be held in Exeter, followed by

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Laconia/Franklin area, and eventually in the North Country (North of Franconia Notch). He then opened the floor for thoughts and input.

Dr. Aziz inquired as to the extent of oversight the Commission would have once a grant is approved. Attorney General Formella responded that it's possible that the Commission can attach certain conditions that could be written into the grant agreement with the recipient. Attorney St. Cyr asked for clarification as to what information the Commission is seeking for proposals. Attorney General Formella discussed the draft concept note that was presented at a North Country conference as just an initial idea to receive information and generate ideas for proposals. He added that the Commission would need to decide to formally adopt something and what the criteria would be. He noted that there should be general criteria but that the Commission does not need to bind themselves to those criteria, the important aspect is that the proposal must benefit health care consumers. Senator McGough suggested that the proposals need to include more than basic information, and they should be open and transparent, and there should be uniformity in the requirements. He also suggested that when a proposal is considered, it would be helpful to have them attend a meeting so that they can give a pitch as to what they are proposing.

Dr. Ramas agreed that having a process in place will be helpful. She noted that those submitting proposals should identify what they are asking for and the reasons why. She noted that the Commission should agree on the criteria and that listening to the public after a proposal is approved is important. She pondered how the Commission would assess the impact of the use of funds noting that simply having a good idea is different than understanding the impact it may have on a community. Senator McGough added that going forward there should be an agenda item for public comments, which Attorney General Formella supported. Melissa St. Cyr asked about whether the Commission would be able to ask additional questions when a proposal is submitted. Attorney General Formella said that the form is a preliminary step and that the Commission could request that the requestor come in to discuss their proposal and receive additional information. He said that additional ideas could be developed between the initial proposal to the final idea. Senator McGough notes that there should be a low threshold to get initial ideas.

Dr. Cohen queried whether something should be put in writing for the public to view. Attorney General Formella said that the Commission should create a draft for the proposal criteria and adopt something at the January meeting. He noted that we will have to figure out a process for sharing proposals publicly because there may be confidential information. He noted that criteria should still be flexible. Dr. Cohen suggested utilizing "SMART" criteria to measure outcomes. Attorney General Formella said that they could get a lot more proposals than the Commission has funds for, and they may not all be funded. He noted that it must be made clear that this not a traditional grant program, where there is defined funding that is necessarily apportioned among those who submit proposals. Rather, the Commission is purposely more

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flexible. Depending on the proposals that are received, all could be funded, some may be partially funded, or possibly none would be funded if none further the Commission's objectives.

Dr. Ramas said that she likes the idea of proposals that involve research efforts. She suggested that members could reach out to entities such as DHHS and FQHC that employ a similar process. She noted that discovering what works well, or what doesn't work well, would be helpful to the Commission, as the initial proposal process may not need to be in depth. She questioned whether it was in reason to review and align the charter with a needs assessment. Attorney General Formella added that, as a draft solicitation is developed, that outreach to others would make sense. He further added that he doesn't want to make the process overly formal. Dr. Ramas noted that other agencies may be able to send examples. Senior Assistant Attorney General Brandon Garod added that the Department of Justice has tools that can assist with creating process flexibility. He suggested utilizing the DOJ's website and possibly having a designated email box to accept proposals in one place. He also noted that the Attorney General's Office could issue a press release regarding the website, email address, and proposal criteria, once the Commission identifies and approves it. Dr. Ramas requested that this should also be done in Spanish. Representative Miles added that the Commission does not want to discourage people, the first step should be simple.

Senator McGough noted that when he attended a meeting in the North Country that they were unaware of the Commission. He said that he explained the statute. He suggested that defining what makes a strong project may be a useful addition to the website. He further suggests potentially adding examples along with the criteria. Senator McGough noted that the statutes could also be added to the website.

Senator McGough then turned the Commissions attention to a bill he is sponsoring relating to the Commission's enabling statute, noting that it was currently a blank canvas. He suggested that the Commission may or may not want to provide input and add to the Commission's statute. Senator McGough said that the Commission can make changes to the bill, but they will need to be drafted by the middle of January. Dr. Ramas asked if members of the public could contribute to the bill and provide input. Attorney General Formella said that a discussion regarding the statute can be added to the agenda for the January meeting. Dr. Ramas expressed concern that adding to the bill could give the public a false idea that the Commission was too political.

Attorney General Formella noted that the current language of the statute is intentionally broad so that the Commission can shift priorities as the needs of the State's healthcare consumers shift. Changing the language could inhibit the Commission's ability to be responsive to those needs. Senator McGough said that it's possible that nothing needs to be changed, and he does not want to delay anything. Attorney St. Cyr added that the Commission has the broad authority to make changes. She noted that she likes the idea of a website and suggested clarifying where and why the funds can be used. Attorney General Formella added that the Commission should

consider where the transactions that provided funds occurred, when considering proposals to approve. He noted that limiting the statute would take away the Commission's flexibility.

Dr. Ramas requested that the Commission schedule meetings for the first quarter of 2026. Attorney General Formella asked the Commission how they wanted to schedule the meetings. The Commission members discussed everyone's schedules. Attorney General Formella commented that the Commission can meet more than once a month if desired, and it may be a good idea when they have proposals to review. He added that they should set dates for the next three months, and a poll will be sent out in order to determine what date works best for most members. Dr. Ramas noted that the January meeting should be held as soon as possible. Attorney General Formella mentioned that January 12, 2026, may be a good date, but a poll would be sent around before setting that date. He said that the Commission should attempt to draft the proposal criteria before the next meeting, so that they could either make changes or adopt it at that time. Dr. Ramas mentioned that they should discuss access and needs at the next meeting. Attorney General Formella responded that a draft would be sent. He said that the Commission can work on it, even if they have a solicitation in place, noting that this can be constantly evolving and developing. Dr. Ramas asked how to access current agreements and whether it was in the Commission's scope to review hospital merger agreements. Attorney General Formella answered that it was within the scope of the Commission insofar as the use of funds received from such agreements are impacted.

Dr. Ramas inquired whether time could be set aside at the end of the meetings to allow members of the public to comment. Attorney General Formella replied that it could be added to future agendas and noted that there may be some time at the end of the current meeting as well. Attorney General Formella provided a brief recap about what had already been discussed at the meeting. He said that the DOJ will take what was conveyed at the meeting and produce, draft and circulate proposal criteria in advance of the next meeting, where it can then be discussed. He said that he will work on scheduling the in-community meetings in Exeter and in Laconia/Frankin area and also send a poll regarding the next set of Commission meetings. Additionally, he noted that he will think through how to get current and future submission forms to the Commission but added that those submissions should not be released to the general public at this time.

Attorney General Formella opened the floor to other business. Dr. Cohen asked if the Commission could request an update on progress from UNH. Attorney General Formella answered that it may be a good item to address in the first quarter of 2026 and suggested that it may be useful to have them come to a meeting to provide an update. Dr. Aziz noted that he was concerned about the red-line in the minutes from the October 8, 2025, meeting. He relayed that he felt that striking out Dr. Herrings words, may appear cryptic and he wanted to understand what happened with the data. Senior Assistant Attorney General Alexandra Sosnowski noted that Dr. Herring contacted her to clarify the minutes and advised that he did not want to give the impression that the data was bad but rather has some limitations. Dr. Aziz expressed concern

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about latency and suggested that Dr. Herring send an email in order to clarify. He noted that having an opportunity to clarify with Dr. Herring may be helpful. Senator McGough said that there needs to be a discussion about limitations and defining what those limitations are. Dr. Ramas added that at the previous meeting, they ran out of time, thus cutting Dr. Herring short. Attorney General Formella suggested inviting Dr. Herring to speak at the February meeting, noting that it could be made a primary agenda item. Senior Assistant Attorney General Sosnowski added that it's possible that it may have been just a miscommunication between what was stated and the draft minutes.

Dr. Ramas then asked about the current process for the appointment of members. Attorney General Formella said that he would defer that answer to Governor Ayotte and her office if members have questions concerning appointments.

Attorney General Formella then opened the meeting for public comment. Jake Berry from New Futures commented that it will be helpful having the criteria outlined and assisting with the review process for proposals. He encouraged the Commission to establish goals and priorities, as well as a strategic plan, going forward, and defining their role. He then spoke about the challenges that have arisen due to hospital mergers, noting that they are not making health care more affordable. He encouraged the Commission to address larger projects. Attorney General Formella said that the Commission needs to be careful regarding the application process, adding that proposals need to be thought of in terms of the strategic plan and value. He said that the value of the proposals allows the Commission to understand current needs.

Michael Cohen, a citizen of Amherst, NH advised that he wished to submit a written comment to the Commission. Mr. Cohen had several copies of the proposal and provided it to the Committee.

Ben Bradley of the New Hampshire Hospital Association commented about community needs. He noted nonprofit hospitals complete a Community Needs Assessment and that, in preparation for the needs assessment, dozens of interviews are conducted with community stakeholders. Mr. Bradley recommended that the Commission review these assessments. Additionally, Mr. Bradley stated that it may be a good idea to communicate themes during in-community meetings, thus gauging interest and support. Attorney General Formella noted that the major purpose of the Commission is to understand consumer sentiment regarding the impacts of healthcare mergers. Dr Ramas added that the state assessments could be helpful as they survey subject areas and identify what is important when assessing healthcare needs. Attorney General Formella recommended inviting those who can identify the State's healthcare needs to future meetings.

The meeting was adjourned at 11:24 AM.

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