Draft LSR

Purpose: To establish a Medical Transparency Oversight Committee.

Principal Sponsor: Hon. Mark Pearson

Co-Sponsors:

Background: On the website of the Board of Medicine we read, "The New Hampshire Board of Medicine (BoM) was created by the legislature in 1897 to ensure that all physicians had the training and skills necessary to practice safe and effective medicine for the people of the State. The Board grants licenses to qualified applicants. It is responsible for monitoring its licensees to ensure that they maintain a level of current medical knowledge and skill and that they can practice safely and ethically."

Therefore, the Board is responsible for investigating possible misconduct by licensees through the Medical Review Subcommittee of the BoM (MRSC) and determine if a licensee shall have his or her license to practice medicine either revoked or suspended. However, the Board can only act on information that it receives from outside sources such as patients, colleagues, hospitals, states other than NH and the National Practitioner Data Bank. Only then can the Board fulfill its obligations to the State and its citizens.

The citizens of New Hampshire have a right to information that they need in order to make informed decisions about the health care professionals that they ask to care for them.

In the Fall of 2022 the Boston Globe Newspaper began a series of investigative reports concerning a New Hampshire-based surgeon against whom twenty malpractice claims were made as reported on the website of the Massachusetts Board of Medicine (BoM) while no reports were made on the New Hampshire BoM website.

The Chairman of the Joint Legislative DHHS Oversight Committee was asked to form a subcommittee to investigate the protocols for reporting various disciplinary actions taken against physicians and surgeons practicing in New Hampshire, whether those protocols were being followed and whether those protocols were adequate.

The subcommittee's task was to investigate this matter alone, not to investigate specific practitioners in particular hospitals.

One bill has been filed that will make specific recommendations for protocols. This present bill establishes a monitoring committee.

COMMITTEE TO BE ESTABLISHED: There shall be established a Medical Transparency Oversight Committee.

It shall meet as needed to review how existing rules for the investigating, disciplining and reporting of medical malpractice are being carried out, and to suggest legislation to amend these rules if the committee deems this wise.

The Medical Transparency Oversight Committee shall consist of:

**3 members of the House of Representatives, 1 from the minority party, appointed by the Speaker.

**The President of the Board of Medicine or designee.

**The Executive Director of the Office of Professional Licensure and Certification or designee.

**The President of New Hampshire Hospital Association or designee.

**A lawyer experienced with malpractice rules and procedures appointed by the Attorney General.

**The Executive Vice President/CEO of New Hampshire Medical Society, or designee.

**The President of the NH Osteopathic Association, or designee.

**A Trial Practice Lawyer for the plaintiffs to be named by the committee member elected Chair at the convening meeting of the committee.

**A trial lawyer for the defense to be named by the committee member elected Chair at the convening meeting of the committee.

The convening meeting of the Committee shall be called by the first named House member within 90 days of the bill being signed into law.

Legislative members shall receive mileage for attendance at committee meetings.

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