

HB 1604-FN - AS AMENDED BY THE HOUSE

17Feb2022... 0554h

2022 SESSION

22-2142

05/10

HOUSE BILL

***1604-FN***

AN ACT including state medical facilities in the statute providing medical freedom in immunizations.

SPONSORS: Rep. Cushman, Hills. 2; Rep. Blasek, Hills. 21; Rep. Roy, Rock. 32; Rep. Pauer, Hills. 26; Rep. Torosian, Rock. 14

COMMITTEE: Health, Human Services and Elderly Affairs

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AMENDED ANALYSIS

This bill requires state hospitals and medical facilities that institute a vaccination requirement to grant an exemption on medical or religious grounds or as a matter of conscience.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT including state medical facilities in the statute providing medical freedom in immunizations.

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

1           1 Medical Freedom from Immunization; Exemption for State Medical Facilities. RSA 141-C:1-a,  
2 II(e) is repealed and reenacted to read as follows:

3                   (e) Apply to a county nursing home, the New Hampshire state hospital, or any other  
4 medical facility or provider operated by the state of New Hampshire or any political subdivision  
5 identified in paragraph I, which is subject to a valid and enforceable Medicare or Medicaid condition  
6 of participation that imposes a vaccination requirement. Such facilities or providers shall, upon an  
7 employee's, contractor's, patient's, visitor's, or student's request for a medical, religious, or  
8 conscientious exemption, grant such exemption. The written request for exemption shall simply  
9 state: "I, (insert requestor's name), hereby submit a request for a medical, religious, or conscientious  
10 exemption from the required vaccinations. (insert requestor's signature and date)" and it shall be  
11 granted.

12           2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1604-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0554h)

AN ACT including state medical facilities in the statute providing medical freedom in immunizations.

**FISCAL IMPACT:**     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable impact on federal funds	Indeterminable impact on federal funds	Indeterminable impact on federal funds
<b>Expenditures</b>	\$0	Indeterminable impact on state general funds	Indeterminable impact on state general funds	Indeterminable impact on state general funds
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal Medicaid Funds			

**COUNTY:**

<b>Revenue</b>	\$0	Indeterminable Impact on federal funds	Indeterminable impact on federal funds	Indeterminable impact on federal funds
<b>Expenditures</b>	\$0	\$0	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill requires that state or political subdivision operated hospitals and medical facilities that institute a vaccination requirement grant exemptions on medical or religious grounds or as a matter of conscience. The Department of Health and Human Services states that, with respect to COVID-19 vaccinations, the proposed exemption is broader than that allowed for by the federal Centers for Medicare and Medicaid Services (CMS). Accordingly, the Department assumes the bill will result in CMS withholding Medicaid payments from the state due to noncompliance with the federal COVID-19 vaccine mandate for health care facilities. The timing and extent of any fiscal impact will depend on whether CMS ultimately interprets the state statute as noncompliant with federal regulations, as well as whether, when, and to what extent CMS implements a policy of withholding payments for noncompliant facilities. The Department notes that in FY21, NH Hospital and Glencliff Home received \$38.4 million and \$7.1 million in federal payments, respectively. In addition, although the PATH Center (a 16-bed transitional housing facility) was not fully operational during FY21, the program is expected to earn over

\$500,000 in Medicaid revenue in FY22. The total amount that may be lost is therefore estimated at \$46 million per year.

In addition to state-operated facilities, the bill would apply to county nursing homes, which in FY22 and FY23 were budgeted to receive federal funds in the amounts of \$111 million and \$113.7 million, respectively.

In the event of lost federal funds, the state facilities identified above would either face budget reductions or require an increase in state general funds to make up the shortfall. The impact on state expenditures is therefore indeterminable. In the case of county nursing homes, any shortfall in FY24 and beyond could be made up for with either county funds or state general funds, depending on decisions made by future legislatures. It is assumed that in FY23, any shortfall would be funded by the state, as county payments for long-term care services in FY23 are statutorily limited by RSA 167:18-a.

It is assumed that any fiscal impact will begin in FY23.

**AGENCIES CONTACTED:**

Department of Health and Human Services