Legislative Bulletin   March 26, 2013

Good News!

NH Senate Passes SB 87

The Association's top-priority bill, SB 87, relative to the Patient Bill of Rights, was passed by the NH Senate on March 21. The bill, which was amended in the Senate Health & Education Committee, was passed by the full Senate on a unanimous voice vote. Special thanks to **Senator Peggy Gilmour**, who shepherded this bill through the Senate, and her co-sponsors **Senator John Reagan** (R-Deerfield), **Sen. Donna Soucy** (D-Manchester) and **Sen. Bob Odell** (R-Lempster.)

The bill clarifies that home health agencies are not subject to RSA 151:21 (the Patient Bill of Rights for facilities) and are only subject to RSA 151:21-b, (the Home Care Clients' Bill of Rights.) The bill also outlines requirements for written notice for discharge of home care clients and allows a home care provider to discharge a client immediately if the home is unsafe or not free from sexual or other forms of harassment.

The bill now heads to the House, where it will likely be referred to the House Health, Human Services & Elderly Affairs Committee.

Senate Votes to Simplify Advance Directives Law

In further action last Thursday, the Senate also passed **SB 170, relative to advance directives pertaining to life-sustaining treatment**. This bill simplifies New Hampshire's advance directives statutes by including "medically administered nutrition and hydration" in the broad definition of "life-sustaining treatment" and repealing confusing questions in the advance directive form. The Senate Health and Education Committee recommended SB 170 as "ought to pass with amendment." The full Senate agreed by unanimous voice vote. The bill will be referred to the House HHS Committee or Judiciary Committee for a public hearing.

Thank Your Senators

If you contacted your State Senators last week to ask for their support on SB 87 or SB 170, please **express your appreciation through a phone call or email**. Saying "thank you" is essential to developing and maintaining good government relationships!

GSHHA Visits Capitol Hill

Granite State Home Health Association members trekked to Capitol Hill last week as part of the National Association for Home Care & Hospice "March on Washington." Association President **Elaine Bussey** of North Country Home Health & Hospice in Littleton; **Rick Petersen**, CEO of Interim Healthcare in Manchester and HCANH CEO **Gina Balkus** visited the offices of our Congressional delegation. We met with **Senator Kelly Ayotte** and her staff, **Congresswoman Carol Shea-Porter** and her staff, and **health aides to Sen. Jeanne Shaheen and Congresswoman Anne McLane Kuster**.

We had three basic messages:

- **Oppose a copayment for Medicare home health episodes**. Copayments will cause seniors to decline home care services and will likely result in higher Medicare expenditures in health care institutions.
- **Urge CMS to rebase Medicare home health rates carefully**. The ACA requires that home health PPS rates be rebased over 4 years. This rebasing should take into account cost trends and imposition of new costs. A recent NACH analysis of 2011 Medicare cost reports showed that 31% of New Hampshire's home health agencies will have negative Medicare margins by 2014.
- **Amend the ACA or its regulations to mitigate the impact of the employer insurance mandate on home health agencies**. Because home health agencies employ many per diem workers, agencies will see a dramatic increase in health insurance costs when the Affordable Care Act's employer insurance mandate goes into effect. While provision of health insurance to employees is desirable, most home health agencies cannot absorb the additional costs because revenues are derived mostly from fixed payments in Medicare or Medicaid. Congress must provide additional home health funding for this mandate or enact legislative or regulatory relief.

If you have questions about state or federal legislative issues, call GSHHA at 603-225-5597 or email Gina Balkus.