



SENATE JUDICIARY COMMITTEE

January 29, 2019

SB 90 - relative to certain disclosures by health care provider facilities

Testimony

Good morning, Madam Chair and members of the Committee. My name is Paula Minnehan and I am the VP, State Government Relations at the New Hampshire Hospital Association, representing all of our state's 26 community hospitals as well as all of our specialty hospitals.

The New Hampshire Hospital Association urges you to pass SB 90. As you well know, several years ago more than 30 patients in the Exeter Hospital community were victims of a tragedy involving the diversion of a powerful patient medication by a health care worker for his own personal use and they became infected with Hepatitis C. New Hampshire was just one of several states where this individual health care worker repeatedly diverted medications and got away with it, until he was stopped in NH.

Sadly, this health care worker's prior criminal actions were never present in his employment records where he previously worked. And though Exeter Hospital did their due diligence by conducting criminal background checks, a sanctions check in a federal health care data base, drug screening ... ***as well as reference checks with prior employers***, there was absolutely no record of drug diversion provided to the hospital by previous employers nor the temporary employment agency representing him.

Due to the limitations in the law at the time, HB 628 was introduced in 2015 by Representative Sherman and it ultimately passed in 2016. The current law, RSA 1512:16-c, which this bill attempts to amend, does allow for hospitals when acting in good faith, disclose employment information regarding misconduct and competency about a health care worker upon request of a prospective or current employer. However, the law does not cover other health care entities, such as independent physician practices and hospital-affiliated but separate legal health care entities.

SB 90 is intended to ensure that all health care providers that are caring for patients are included in these important protections.

Currently, under the threat of employment lawsuits, many health care employers not covered under the current law only share general information about a former employee that includes dates of employment. Under SB 90 all health care providers would be required to provide truthful and specific information about current and former employees that may directly impact patient safety.

Passage of this bill will:

- Enhance patient safety;
- Reduce the risk that a prospective employer may put a health care worker in a position to cause harm; and
- Protect the employer from civil liability when disclosing certain information to a prospective employer.

By passing a law that requires all health care employers to share information and provide truthful employment references receiving protection from civil liability, New Hampshire can have a far-reaching impact on patient safety by limiting the ability of healthcare workers with negative employment histories to work in our state.

For these reasons, we support SB 90 and ask the committee to pass the bill.

Thank you for your consideration. I am happy to answer any questions you may have.