

Advisory Opinion 2025-5

Response to a Request for an Advisory Opinion from Representative Sherri Reinfurt (November 24, 2025)

The Legislative Ethics Committee, at its meeting on November 24, 2025, considered a request for an advisory opinion from Representative Sherri Reinfurt addressing whether she is required to recuse from voting or testifying on 2026 House Bill 1554-FN, “AN ACT requiring insurance carriers to provide peer-to-peer review at any stage of prior authorization and mandating disclosure of reviewer credentials.”

In her email message to the Committee, dated November 6, 2025, Representative Reinfurt stated that she and her husband own a chiropractic center and “at times during the prior authorization requirement by insurance companies, treatment is denied as not being medically necessary.” She stated that under current law the decisions “are generally made by someone outside of the chiropractic/musculoskeletal profession. As a result, we would stand to benefit by this legislation if treatment were approved as a result of a peer-to-peer review.” She further stated that the number of times such approvals happen “is maybe 1-1000, however, with insurance companies ever changing and requiring prior authorization, the opportunity does still exist.” She also stated that financial remuneration from insurance companies for one patient is roughly \$50.00 per visit.

Relevant Statutory Provisions

14-C:4-a Recusal for Conflicts of Interest. –

I. A legislator shall recuse themselves from participation in any official legislative activity pertaining to legislation when:

(a) The legislator has a conflict of interest with the subject of the legislation as defined in RSA 14-B:1, I; and

(b) The legislator or a member of the legislator's household could reasonably be expected to incur a direct and substantial financial benefit or detriment as a result of the outcome of the legislative activity.

14-B:1 Definitions. –

In this chapter:

I. "Conflict of interest" means the condition in which a legislator has a special interest in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities.

V. "Special interest" means any financial or non-financial personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.

(a) A financial interest exists where a legislator or household member, or a person or organization, whether nonprofit or for profit, by which the legislator is employed, or from which the legislator receives compensation, to act as the person's or organization's agent or

advocate, could stand to gain or lose anything of material value as a result of the official activity.

Committee Analysis

In completing its consideration, the Committee reviewed the written request submitted by Representative Reinfurt, received testimony from her, and reviewed the relevant provisions of law.

Under the statutory language set forth in RSA 14-C, recusal is required when a legislator has a conflict of interest with the subject of legislation and the legislator “could reasonably be expected to incur a direct and substantial financial benefit or detriment” [emphasis added].

The proposed bill is not limited to insurance claims involving chiropractic health care providers. It applies to all health care providers licensed by the state who participate in managed care plans. While it is possible that required peer-to-peer reviews might increase the likelihood of claims being approved, that result is uncertain. Whether peer-to-peer reviews would result in an increase of claims involving Representative Reinfurt’s own practice is speculative. As the Committee held in *Advisory Opinion 2025-3*:

A “direct” benefit must be more than hypothetical. To be direct, a benefit need not be immediate, but given the legislator’s current circumstances, there must be a reasonable expectation that the legislator will receive financial benefit from the legislative activity.

The Committee concluded that based on the facts presented, the proposed bill would not result in a direct financial benefit to Representative Reinfurt and her husband through their ownership of the chiropractic center.

Conclusion

The Committee determined that Representative Reinfurt’s participation in testifying and voting on the proposed insurance bill would not violate RSA 14-C:4-a, I. She would not receive a direct and substantial benefit from her participation in official legislative activity pertaining to the proposed bill. She is not required to recuse.

We appreciate the opportunity to be of assistance.

Honorable Edward M. Gordon, Chairman
Honorable Donna Sytek, Vice Chairman
Senator Ruth Ward
Senator Patrick Long
Representative Bob Lynn
Representative Catherine A. Rombeau
Honorable David W. Hess

For the Committee,
Edward M. Gordon
Chairman

[Vote: 7-0]