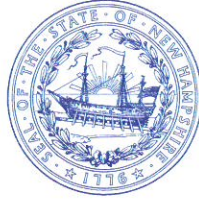


**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



**FIS 19-158  
Withdrawn by Agency**

JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 25, 2019


The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

Honorable Chairman, Jane Wallner and the Fiscal Committee of the General Court,

The Department of Justice is requesting to remove item FIS 19-158, from the July 25, 2019 Fiscal Committee agenda, to retroactively amend item FIS 19-011, approved by the Fiscal Committee on January 4, 2019, by extending the end date to September 30, 2019 and to accept and expend \$897,079 in Federal Funds.

Please let me know if you have any questions regarding this request. Your consideration is greatly appreciated.

Respectfully submitted,

  
Gordon J. MacDonald  
Attorney General



Jeffrey A. Meyers  
Commissioner

Katja S. Fox  
Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION FOR BEHAVIORAL HEALTH

FIS 19 184  
*Late Item*

129 PLEASANT STREET, CONCORD, NH 03301  
603-271-9544 1-800-852-3345 Ext. 9544  
Fax: 603-271-4332 TDD Access: 1-800-735-2964

July 19, 2019

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court, and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

#1 - Pursuant to the provisions of Chapter 145, sub-paragraph 1, (a), Laws of 2019, the Department of Health and Human Services, Division for Long Term Supports and Services requests authorization to exceed the 3/12 limitation of said resolution for the accounts listed below, in the amount of \$7,951,274, for the period of Fiscal Committee and Governor and Council approval through September 30, 2019. 100% General Funds.

**05-095-093-930010-71000000 Developmental Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$32,499,866	\$0	\$32,499,866
	General Funds	\$32,715,866	\$7,741,274	\$40,457,140
	<b>Total Revenue</b>	\$65,215,732	\$7,741,274	\$72,957,006
041-500801	Audit Fund Set Aside	\$34,000	\$0	\$34,000
102-500731	Contracts for Program Services	\$250,000	\$0	\$250,000
502-500891	Payments to Providers	\$64,931,732	\$7,741,274	\$72,673,006
	<b>Total Expenses</b>	\$65,215,732	\$7,741,274	\$72,957,006

**05-095-093-930010-70160000 Acquired Brain Disorder Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$3,211,162	\$0	\$3,211,162
	General Funds	\$3,298,705	\$90,000	\$3,388,705
	<b>Total Revenue</b>	\$6,509,867	\$90,000	\$6,599,867
041-500801	Audit Fund Set Aside	\$3,211	\$0	\$3,211
102-500731	Contracts for Program Services	\$90,754	\$0	\$90,754
502-500891	Payments to Providers	\$6,415,902	\$90,000	\$6,505,902
	<b>Total Expenses</b>	\$6,509,867	\$90,000	\$6,599,867

**05-095-093-930010-71100000 Children's IHS Waiver**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$899,112	\$0	\$899,112
	General Funds	\$898,212	\$120,000	\$1,018,212
	<b>Total Revenue</b>	\$1,797,324	\$120,000	\$1,917,324
041-500801	Audit Fund Set Aside	\$899	\$0	\$899
502-500891	Payments to Providers	\$1,796,425	\$120,000	\$1,916,425
	<b>Total Expenses</b>	\$1,797,324	\$120,000	\$1,917,324

#2 - Contingent upon approval of Requested Action #1, pursuant to RSA 14:30-a, VI, Additional Revenues authorize the Department of Health and Human Services, to accept and expend additional federal funds from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in the amount of \$7,959,225 effective upon approval by the Fiscal Committee and Governor and Council through September 30, 2019, and further authorize the allocation of these funds in the accounts below. 100% Federal Funds.

**05-095-093-930010-71000000 Developmental Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$32,499,866	\$7,749,015	\$40,248,881
	General Funds	\$40,457,140	\$0	\$40,457,140
	<b>Total Revenue</b>	\$72,957,006	\$7,749,015	\$80,706,021
041-500801	Audit Fund Set Aside	\$34,000	\$7,741	\$41,741
102-500731	Contracts for Program Services	\$250,000	\$0	\$250,000
502-500891	Payments to Providers	\$72,673,006	\$7,741,274	\$80,414,280
	<b>Total Expenses</b>	\$72,957,006	\$7,749,015	\$80,706,021

**05-095-093-930010-70160000 Acquired Brain Disorder Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$3,211,162	\$90,090	\$3,301,252
	General Funds	\$3,388,705	\$0	\$3,388,705
	<b>Total Revenue</b>	\$6,599,867	\$90,090	\$6,689,957
041-500801	Audit Fund Set Aside	\$3,211	\$90	\$3,301
102-500731	Contracts for Program Services	\$90,754	\$0	\$90,754
502-500891	Payments to Providers	\$6,505,902	\$90,000	\$6,595,902
	<b>Total Expenses</b>	\$6,599,867	\$90,090	\$6,689,957

**05-095-093-930010-71100000 Children's IHS Waiver**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$899,112	\$120,120	\$1,019,232
	General Funds	\$1,018,212	\$0	\$1,018,212
	<b>Total Revenue</b>	\$1,917,324	\$120,120	\$2,037,444
041-500801	Audit Fund Set Aside	\$899	\$120	\$1,019
502-500891	Payments to Providers	\$1,916,425	\$120,000	\$2,036,425
	<b>Total Expenses</b>	\$1,917,324	\$120,120	\$2,037,444

**EXPLANATION**

The Department of Health and Human Services requests authorization to exceed the 3/12 limitation of said resolution in order to meet the needs of all persons receiving Developmental Disability (DD), Acquired Brain Disorder (ABD), and In-Home Support (IHS) waiver services through September 30, 2019.

The funding requested in this emergency appropriation request will close the gap between the funding provided under the Continuing Resolution (based on the adjusted SFY 2019 budget) and the increased level of funding provided in the anticipated SFY 2020-2021 budget for persons currently served by these three waiver programs through September 30, 2019 and enables individuals on the Waitlist, for July, August, and September, to begin services.

The Waitlist for DD, ABD and IHS services was eliminated in SFY 2019 with a combination of resources including an appropriation beyond the original SFY 2019 budget. This additional appropriation, however, was less than the annualized cost of services for all of those taken off the waitlist. The funding provided under the Continuing Resolution is serving those persons who were on the waiver at the beginning of the last biennium, but is insufficient for the provision of all services for those taken off the Waitlist in SFY 2019 who are now receiving services on the waiver in SFY 2020. Additional funding above the SFY 2019 budget is also needed to begin services for individuals on the Wait List for the first quarter in SFY 2020.

An emergency appropriation of \$15,910,499 (total funds) within Accounting Units 71000000 Developmental Services, 70160000 Acquired Brain Disorder, and 71100000 Children's IHS Waiver is needed in order to fully fund the maintenance of current services of all persons on the DD, ABD and IHS waivers and initiate services for those on the Waitlist through September 30, 2019. If this request is denied, the CR funding based on 3/12<sup>th</sup> of the SFY 2019 Adjusted/Authorized will not be sufficient to continue serving the needs of the program participants.

Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15,"Positions Authorized", or both, and all Emergency requests pursuant to " Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

1. Is the action required of this request a result of the Continuing Resolution for FY 2020?  
Yes the action required of this request is a result of the Continuing Resolution for FY 2020.
2. If this request is retroactive what is the significance and importance of the action being effective from an earlier date?  
This request is not retroactive
3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)  
No the requested action is not due to a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action.
4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?  
Yes funding for this program was included in the FY 2018-2019 enacted budget.
5. Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?  
Yes this program is included in total in the vetoed FY 2020-2021 Operating Budget proposal. The amount of this request is equal to the funds that would not have lapsed had HB2 passed.
6. Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)  
No, the programs detailed above do not include and positions or consultants.
7. What would be the effect should this program be discontinued or not initiated as a result of this request being denied?  
If this request were to be denied the Division for Developmental Services would create a new Wait List for services provided to those with Developmental Disabilities, Acquired Brain Disorders and for those receiving In Home Services. Incredible strides were made during FY 2019 to eliminate such Wait Lists across the spectrums. The funding requested is to continue provided services to those currently receiving care after being removed from the Wait Lists in FY 2019. Additionally it would accommodate those preparing to begin services in the near future due to age requirements.

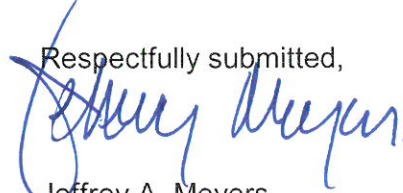
The Honorable Mary Jane Wallner, Chairman  
His Excellency, Governor Christopher T. Sununu  
Page 6 of 6

Funds will be used for:  
Class 502 Payments to providers

Area served: Statewide.

Source of Funds: 50% General funds from FY 2019 lapsed appropriations and 50% Federally matched dollars.

Respectfully submitted,



Jeffrey A. Meyers  
Commissioner