

SB 416-FN - AS INTRODUCED

2022 SESSION

22-2967

07/05

SENATE BILL **416-FN**

AN ACT relative to behavioral health assessment and treatment for children in out-of-home placements.

SPONSORS: Sen. Whitley, Dist 15; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Sen. Sherman, Dist 24; Sen. Prentiss, Dist 5; Rep. Rice, Hills. 37; Rep. Rombeau, Hills. 7; Rep. Wallner, Merr. 10; Rep. Luneau, Merr. 10; Rep. Myler, Merr. 10

COMMITTEE: Health and Human Services

ANALYSIS

This bill requires children's behavioral health assessments to include evidenced-based functional behavioral analysis, or similar assessment, and a behavioral intervention plan prior to the placement decision.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to behavioral health assessment and treatment for children in out-of-home placements.

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

1 1 Declaration of Purpose. The general court hereby finds that:

2 I. There are currently 300 New Hampshire children subject to the jurisdiction of the division
3 for children, youth and families placed in institutional care away from their families and
4 communities. Approximately 70 of those children are in out-of-state facilities. These institutional
5 placements are costly for the state and are not proven to reduce problem behavior.

6 II. Testing with functional behavioral analyses or assessments to support behavioral
7 interventions as an established criteria prior to children being placed out of home will avoid costly,
8 restrictive, lengthy, ineffective, and often unnecessary institutional care in many cases.

9 III. Behavioral interventions supported by a functional behavioral analysis or assessment
10 are proven to be effective in modifying behavior to be prosocial.

11 IV. Understanding the cause and meaning behind problem behavior informs community-
12 based behavior programming and reduces the need for institutional placement. When unavoidable,
13 institutional treatment based on the cause and meaning of behavior is more effective at reducing the
14 risk of persistent problem behavior.

15 V. Therefore, this act directs the department of health and human services to expand the
16 use of functional behavioral analyses and assessments to inform behavioral intervention plans for
17 children at risk of out of home placement due to problem behavior.

18 2 New Paragraph; Services for Children, Youth and Families; Assessment, Treatment, and
19 Discharge Planning; Requirement for Evidence-Based Functional Behavioral Analyses and Plans.
20 Amend RSA 170-G:4-e by inserting after paragraph IV the following new paragraph:

21 IV-a. The assessment of the child's behavioral health and other treatment needs shall
22 include an evidence-based functional behavioral analysis or assessment and a behavioral
23 intervention plan. If a functional behavioral analysis or assessment cannot be completed prior to the
24 placement decision, the department shall ensure that an analysis or assessment is completed within
25 10 days of the placement decision.

26 3 Effective Date. This act shall take effect 60 days after its passage.

SB 416-FN- FISCAL NOTE
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AN ACT relative to behavioral health assessment and treatment for children in out-of-home placements.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill requires the Department of Health and Human Services to expand the use of functional behavioral analyses (FBA) and assessments to inform behavioral intervention plans for children at risk of out-of-home placement due to problem behavior. The Department states that traditionally, the FBA has been used in education and specific developmental diagnosis support. The Department further states that if the intent of the bill is to broaden the FBA beyond its traditional uses and into the behavioral health arena, there will likely be a "significant" state cost. The Department did not identify the extent of any such additional costs.

It is assumed that any fiscal impact will begin in FY 2023.

AGENCIES CONTACTED:

Department of Health and Human Services