

1 Committee of Conference Report on HB 1661-FN-LOCAL, relative to regional career technical  
2 education agreements and relative to an appropriation for constructing a legislative parking garage.

3  
4 Recommendation:

5 That the House recede from its position of nonconcurrency with the Senate amendment, and  
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the  
8 Senate, and pass the bill as so amended:

9  
10 Amend the bill by replacing all after the enacting clause with the following:

11  
12 1 New Paragraph; Definition; RCTEA. Amend RSA 188-E:2 by inserting after paragraph V the  
13 following new paragraph:

14 V-a. "Regional career and technical education center agreement" or "RCTEA" means the  
15 governing agreement between receiving and sending schools.

16 2 New Section; Regional Career and Technical Education; Agreements. Amend RSA 188-E by  
17 inserting after section 1 the following new section:

18 188-E:1-a Regional Career and Technical Education Agreements (RCTEA).

19 I. Each regional career and technical education receiving and sending school entity within a  
20 New Hampshire career and technical education (CTE) region shall be governed by a regional career  
21 and technical education agreement (RCTEA) which will be renewed every 4 years and submitted to  
22 the commissioner for review and approval.

23 II. The department of education shall adopt rules under RSA 541-A concerning the form and  
24 procedures for RCTEA.

25 III. Each RCTEA shall include a calendar conformity agreement to comply with RSA 188-  
26 E:5, VII(a) and (b) by aligning the school calendars of sending schools with the school calendars of  
27 CTE programs at the receiving school. Agreements shall minimize schedule conflicts to better  
28 support CTE students with as many hours as possible to fulfill their program requirements.  
29 Agreements should address schedule alignment needs such as: disruptions due to differing start/stop  
30 times, unscheduled school closures or events, and daily class start/stop times. RCTEA schools are  
31 encouraged to align teacher in-service days to allow joint ventures in teacher professional  
32 development and other educational initiatives. There may not be more than 10 instructional days  
33 following Labor Day through the last student day of the school calendar year on which one or more of  
34 the school calendars of the districts within the agreement are not aligned. When CTE regions

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 2 -**

1 overlap, or students attend programs in more than one CTE, the provisions of this section shall  
2 apply to both regional centers. The commissioner shall not approve a RCTEA that does not comply  
3 with this paragraph, however a RCTEA may contain provisions for waiver by the commissioner of  
4 dissimilar days for extenuating or emergency purposes. If the commissioner determines that all  
5 schools within the RCTEA have plans and are reasonably working towards the implementation of an  
6 aligned calendar to ensure compliance with this paragraph, an annual waiver may be approved, but  
7 a waiver for this purpose shall not be extended beyond July 1, 2026.

8 IV. Each RCTEA shall include the provisions to fulfill the recognition of credits in RSA 188-  
9 E:5, XIII.

10 V. Each RCTEA shall include a plan for sending and regional schools to provide tuition and  
11 transportation for any student from a sending school who wishes to attend a CTE program, subject  
12 to attainment of prerequisites, space availability within the program, and appropriate qualifications  
13 under RSA 188-E:2, VIII(b) and RSA 188-E:8, and report to the commissioner any constraints in  
14 funding for tuition and transportation that need to be addressed to provide this opportunity.  
15 Sending districts shall be responsible for ensuring students schedules allow for full access to CTE  
16 programs offered at the regional CTE center, including travel time on buses.

17 3 CTE Program; Instructional Time. RSA 188-E:5, VII is repealed and reenacted to read as  
18 follows:

19 VII.(a) All career and technical education students shall be given access to career and  
20 technical education programs for the instructional time for those programs.

21 (b) Upon a joint application by a student's career and technical education center and his  
22 or her sending district, the commissioner may grant a waiver from the requirement of subparagraph  
23 (a) on a case-by-case basis. A student waiver may be granted on a case-by-case basis from the  
24 requirement of subparagraph (a) in accordance with approved procedure in the RCTEA.

25 4 New Paragraph; CTE Credits. Amend RSA 188-E:5 by inserting after paragraph XII the  
26 following new paragraph:

27 XIII. A student shall be awarded required subject credit toward district graduation by  
28 demonstrating proficiency in a regional career and technical education course or program that is  
29 embedded with content area competencies that meet or exceed the district subject and required  
30 course competencies. Sending school graduation competencies embedded in a career and technical  
31 education course or program used to earn the equivalent or to earn partial credit to satisfy the  
32 required graduation competencies shall align with the skills, knowledge, and work study practices as  
33 determined by the local school district and in accordance with the terms of the RCTEA. A student  
34 who demonstrates proficiency in the embedded CTE course or program competencies and who is  
35 determined to have met the content area academic standards required by the high school shall have  
36 such credits counted toward the required program area for a high school diploma.

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 3 -**

1           5 Applicability; Rulemaking. The requirements for regional career and technical education  
2 center agreements (RCTEA) under RSA 188-E:1-a and RSA 188-E:5 as inserted by this act shall not  
3 be implemented until rules of department of education pursuant to RSA 188-E:1-a, II are adopted  
4 and effective.

5           6 Appropriation; New Legislative Parking Garage; Department of Justice.

6           I. The sum of \$9,350,000 for the fiscal year ending June 30, 2022 is hereby appropriated to  
7 the department of administrative services for the purpose of preliminary design, engineering, and  
8 site work for a new legislative parking garage on the site of the department of justice building  
9 located at 33 Capitol Street and for moving and leasing costs for relocating the department of justice.  
10 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
11 otherwise appropriated, and said appropriation shall not lapse.

12           II. Sums appropriated in paragraph I are based on, but shall not be restricted by, the  
13 estimates below:

14           (a) Preliminary design, engineering and site work:

- 15                   (1) Design and engineering costs of a 450 space parking garage - \$1,400,000.  
16                   (2) Design and engineering costs to demolish Storrs Street garage - \$105,000.  
17                   (3) Design and engineering costs to demolish current DOJ building - \$35,000.  
18                   (4) Cost to abandon Capitol Street - \$25,000.  
19                   (5) Cost of demolition of DOJ Building - \$1,100,000.  
20                   (6) Cost and engineering for DOJ site prep - \$535,000.

21           (b) Moving and leasing related costs:

- 22                   (1) Cost to move the department of justice - \$1,200,000.  
23                   (2) Approximate fit-up cost of 50,000 square feet - \$3,750,000.  
24                   (3) Annual lease costs for the entire building - \$1,200,000.

25           7 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Special  
26 Fund for Administration of Opioid Treatment Programs. Amend RSA 6:12, I(b) by inserting after  
27 subparagraph (382) the following new subparagraph:

28                   (383) Moneys deposited in the special fund for administration of opioid treatment  
29 programs established in RSA 172:8-c.

30           8 New Section; New Hampshire Substance Use Disorder Services System; Special Fund for  
31 Administration of Opioid Treatment Programs. Amend RSA 172 by inserting after section 8-b the  
32 following new section:

33           172:8-c Special Fund for Administration of Opioid Treatment Programs. There is hereby  
34 established a special fund for administration of opioid treatment programs. The fund shall be  
35 composed of fees collected by the commissioner in accordance with RSA 172:14, II, and shall be used  
36 to carry out the provisions of this chapter including, but limited to, acting upon the application for  
37 the certification, permit, or training of opioid treatment programs. The fund shall be nonlapsing and

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 4 -**

1 shall be continually appropriated to the commissioner for the purposes of this chapter to support  
2 program operations for certification and administration of the department of health and human  
3 services oversight of opioid treatment programs.

4 9 Department of Health and Human Services; Developmental Services; Pilot Program.

5 I. For the fiscal year ending June 30, 2023, the department of health and human services,  
6 division of long term supports and services, shall develop a pilot program to provide services for  
7 individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in  
8 school and determined eligible for developmental services that are not the responsibility of the local  
9 education agency, another state agency, or another division of the department. Participation in the  
10 pilot program plan shall be limited to not more than 20 eligible individuals. The selection of the  
11 eligible individuals shall be done in a transparent manner accessible by any interest party in the  
12 developmental disability community. The department may adopt rules under RSA 541-A relative to  
13 implementation and administration of the pilot program.

14 II. For purposes of the pilot program, the local education agency, all state agencies, and  
15 divisions of the department involved with an individual seeking services shall, with the consent of  
16 the individual or the individual's guardian, provide information to the area agency and participate in  
17 the individual's service planning. The area agency shall provide such information to the  
18 department.

19 III. In addition, the department shall use the information provided in accordance with  
20 paragraph II to make the final determination as to whether the services requested are the legal  
21 responsibility of the local education agency, another state agency, or another division of the  
22 department. All services provided through the pilot program shall be described in detail and  
23 provided to the interested parties identified in paragraph V. This requirement shall not be  
24 construed as authorization to report personally identifiable information of the program participants.

25 IV. For individuals deemed eligible pursuant to paragraph I, the time period between  
26 completion of the individual service agreement, pursuant to RSA 171-A:12, and the allocation by the  
27 department of the funds needed to perform the services required by the agreement shall not exceed  
28 90 calendar days.

29 V. On or before February 1, 2023, the department shall provide a detailed report of the pilot  
30 program plan to the senate health and human services committee, the senate finance committee, the  
31 house children and family law committee, the house health, human services and elderly affairs  
32 committee, the house finance committee, the oversight committee on health and human services  
33 established in RSA 136-A:13, and the fiscal committee of the general court. The report shall include  
34 data on utilization, including the number of individuals seeking services in accordance with  
35 paragraph I, the number of individuals provided services as part of the pilot program, the types of  
36 specific services provided for each individual, the total cost of the services provided, and other

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 5 -**

1 relevant information necessary to assess the pilot program for statewide expansion as part of the  
2 state budget for the biennium ending June 30, 2025.

3 VI. If the department determines that all necessary coordination for the pilot program has  
4 been sufficiently completed, the department may make a request to the fiscal committee of the  
5 general court to begin implementation of the pilot program on an appropriate effective date. The  
6 pilot program shall not begin until approval by the fiscal committee of the general court.

7 VII. There is hereby appropriated to the department of health and human services the sum  
8 of \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot  
9 program plan or the pilot itself, for developmental services established in this section. Additionally,  
10 the department may accept and expend any applicable federal funds, and any gifts, grants, or  
11 donations that may be available for the purposes of the pilot program. In the event of any remaining  
12 funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot  
13 program, the department may allocate funding and provide services to additional eligible  
14 individuals. The governor is authorized to draw a warrant for said sum out of any money in the  
15 treasury not otherwise appropriated.

16 10 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;  
17 Unauthorized Payments; Recovery by State. RSA 167:17-a is repealed and reenacted to read as  
18 follows:

19 167:17-a Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any  
20 person under the provisions of RSA 167 as a result of any false statement, misrepresentation or  
21 concealment of or failure to disclose the receipt of property, wages, income or resources by such  
22 person or by any person legally liable for his or her support may be recovered through administrative  
23 or judicial process, in an action brought by the state or the commissioner of the department of health  
24 or human services, or his or her designee, against such person. The commissioner of the department  
25 of health and human services shall recover any unauthorized payments pursuant to applicable  
26 federal and state law by either reasonably adjusting current and future grant amounts received by  
27 the person violating the provisions of this section, or through repayment to the department during  
28 such time the person is not currently receiving public assistance. A person who knowingly, and with  
29 malfeasance, assists a recipient or another person in obtaining an overpayment shall be jointly and  
30 severally liable for the overpayment unless prohibited by federal law.

31 11 Repeal. The following are repealed:

32 I. RSA 126-A:4-a, relative to the health care plan report.

33 II. 2019, 346:348, relative to quarterly reporting on Medicaid rate increases.

34 12 New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA  
35 170-E by inserting after 66 the following new sections:

36 170-E:67 Confidentiality and Investigations. The department may request and shall receive  
37 cooperation from other state agencies in connection with investigations and licensure. The

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 6 -**

1 department shall strictly observe the confidentiality requirements of the agency from which it  
2 receives information.

3 170-E:68 License Suspension, Revocation, or Denial. The department may suspend, revoke, or  
4 deny any license if the license holder:

5 I. Neglects or abuses children in his or her care;

6 II. Does not comply with this subdivision or the rules adopted under this subdivision  
7 relative to the health and safety of children;

8 III. Violates any provision of this subdivision, or is unable to meet and maintain standards  
9 adopted by the commissioner;

10 IV. Substantially or repeatedly violates any provisions of the license issued;

11 V. Furnishes or makes any misleading or any false statement or report to the department;

12 VI. Refuses or fails to submit any reports or to make available to the department any  
13 records required by it in making an investigation of the facility for licensing purposes;

14 VII. Refuses or fails to submit to an investigation or to the required visits by the  
15 department;

16 VIII. Refuses or fails to admit authorized representatives of the department at any time the  
17 camp is in operation for the purpose of investigation or visit;

18 IX. Fails to provide, maintain, equip, and keep in safe and sanitary condition premises  
19 established or used for recreation camps as required under standards prescribed by rules adopted by  
20 the commissioner under RSA 541-A or as otherwise required by any law, rule, ordinance, or term of  
21 the license applicable to the location of such facility; or

22 X. Retaliates against an employee who in good faith reports a suspected violation of the  
23 provisions of this subdivision and rules adopted under it.

24 13 New Paragraph; Child Protection Act; Issuance of Summons and Notice. Amend RSA 169-  
25 C:8 by inserting after paragraph I the following new paragraph:

26 I-a. If the location of the parent or parents is unknown as set forth in an affidavit filed with  
27 the court in which the petitioner describes its efforts to locate the parent or parents, the court may,  
28 upon request of the petitioner, order the petitioner to provide notice by publication once a week for 2  
29 successive weeks in a newspaper of general circulation where that person was last domiciled or by  
30 certified mail at the last known address. Notwithstanding the time limits in paragraph I, if service  
31 by publication is ordered, the preliminary hearing should not be later than 40 days from the date the  
32 petition is filed and no sooner than 7 days from the last date of publication. The need for service by  
33 publication shall constitute extraordinary circumstances to extend the time for an adjudicatory  
34 hearing, pursuant to RSA 169-C:15, III(d).

35 14 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, IV to read as follows:

36 IV. The court shall determine whether each parent summoned[~~-, having custody or control of~~  
37 ~~the child,~~] understands the possible consequences to parental rights should the court find that the

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 7 -**

1 child is abused or neglected. Each person shall sign a statement stating that such person  
2 understands the consequences to parental rights. Such statement shall be in a form to be  
3 determined by the court.

4 15 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Definition.  
5 Amend RSA 170-E:25, II by inserting after subparagraph (f) the following new subparagraph:

6 (g)(1) "Kinship care home" means a type of foster home in which an individual or  
7 individuals are licensed to provide care exclusively to kin. There shall be a maximum of 6 children  
8 including the children living in the home and children received for child care who are related to the  
9 residents.

10 (2) Notwithstanding the limit of 6 children under subparagraph (g)(1), if the kinship  
11 care family is willing and able to take a sibling or a group of siblings of a child already in their care,  
12 and the department has concluded that the kinship care family is able to provide for the safety,  
13 permanency, and well-being of the child or children, the department may place the sibling or group  
14 of siblings in the kinship care home.

15 16 New Paragraph; Residential Care and Child-Placing Agency Licensing; Definition of Kin  
16 Added. Amend RSA 170-E:25 by inserting after paragraph X the following new paragraph:

17 X-a. "Kin" means a child or children who for which there is a connection or history between  
18 a child or their parents and another responsible adult, including but not limited to related adults.

19 17 New Paragraph; State Registry and Criminal Records Check for Foster Family Homes,  
20 Institutions, and Child-Placing Agencies. Amend RSA 170-E:29 by inserting after paragraph V the  
21 following new paragraph:

22 VI. A kinship care home shall be considered a foster family home for purposes of this  
23 section.

24 18 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:31, I to  
25 read as follows:

26 I. Licenses shall be issued in such form and manner as prescribed by rules adopted by the  
27 commissioner under RSA 541-A and, for foster family homes, ***kinship care homes***, and specialized  
28 care, shall be valid for 2 years from the date issued, unless revoked by the department, or  
29 voluntarily surrendered by the licensee, or subject to conditions attached to the license which  
30 provide for a shorter license period than 2 years.

31 19 New Paragraph; Residential Care and Child-Placing Agency Licensing; Record of Licenses.  
32 Amend RSA 170-E:33 by inserting after paragraph II the following new paragraph:

33 III. For kinship family care licenses, the name of the children for which the license is issued  
34 shall be confidential and exempt from RSA 91-A.

35 20 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:45, II to  
36 read as follows:

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 8 -**

1           II. Foster family homes *and kinship care homes* which have not been licensed but which  
2 have been asked to receive children by the department or another child-placing agency on an  
3 emergency basis shall not be subject to the penalty provided in subparagraph I(a). The exemption  
4 provided in this paragraph is valid for a period of ~~[30]~~ **180** days from the date of placement of the  
5 child in the home.

6           21 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend  
7 RSA 167:6, IX to read as follows:

8           IX. For purposes hereof, a person with a disability between 18 and 64 years of age who is  
9 eligible to participate in the work incentive program, known as Medicaid for employed adults with  
10 disabilities (MEAD), shall be eligible for medical assistance as medically needy or categorically  
11 needy. ~~[The department of health and human services shall establish a sliding fee scale for~~  
12 ~~participants to contribute to the cost of such medical assistance.]~~ Participants in the MEAD program  
13 shall be employed at the time of enrollment, and may remain enrolled during temporary  
14 unemployment for medical reasons or other good cause.

15           22 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend  
16 RSA 167:6, IX-a to read as follows:

17           IX-a. A person with a disability age 65 and older who is eligible to participate in the work  
18 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be  
19 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare  
20 coverage. ~~[The department of health and human services shall establish a sliding fee scale for~~  
21 ~~participants to contribute to the cost of such medical assistance.]~~ Participants in the MOAD program  
22 shall be employed at the time of enrollment, and may remain enrolled during temporary  
23 unemployment for medical reasons or other good cause.

24           23 Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support.  
25 Amend RSA 458:19-c, II, to read as follows:

26           II. The department of health and human services shall have the opportunity to address the  
27 court in any proceeding under this section if the court, *or the department, upon motion to the*  
28 *court*, has concerns relative to:

29           (a) The impact on the recipient of any period of Medicaid ineligibility that would result  
30 from the allocation of income or assets;

31           (b) Whether the ward has been the victim of a crime or has been or is at risk of being  
32 abused, neglected, or exploited within the meaning of RSA 161-F:43; or

33           (c) The cost of the recipient's care to be paid by Medicaid as the result of the proposed  
34 allocation of income or assets.

35           24 New Paragraph; Domestic Relations; Medical Assistance Recipient; Notice of Petition for  
36 Spousal Support. Amend RSA 458:19-c to insert after paragraph II the following new paragraph:



**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 9 -**

1           III. No petition of spousal support shall be enforceable against the department as it relates  
2 to eligibility for medical assistance unless the petitioner provides a copy of the petition to the  
3 department at least 14 days prior to filing with the court.

4           25 Guardians and Conservators; Estate Planning by Guardian. Amend the introductory  
5 paragraph on RSA 464-A:26-a, VII, to read as follows:

6           VII. The department of health and human services, the county attorney, and the department  
7 of justice shall be notified and shall have the opportunity to address the court in any proceeding  
8 under this section if the court, *or the department, upon motion to the court*, has concerns  
9 relative to:

10          26 New Paragraph; Guardians and Conservators; Estate Planning by Guardian. Amend RSA  
11 464-A:26-a, VII by inserting after paragraph VII the following new paragraph:

12          VIII. No petition of spousal support shall be enforceable against the department as it relates  
13 to eligibility for medical assistance unless the petitioner provides a copy of the petition to the  
14 department at least 14 days prior to filing with the court.

15          27 New Section; Uniform Civil Liability for Support; Medical Assistance Recipient; Notice of  
16 Petition for Spousal Support. Amend RSA 546-A by inserting after section 7 the following new  
17 section:

18          546-A:7-a Medical Assistance Recipient; Notice of Petition for Spousal Support.

19           I. The department of health and human services, the county attorney, and the department of  
20 justice shall be notified and shall have the opportunity to address the court in any proceeding under  
21 this chapter if the court or department of health and human services has concerns relative to:

22           (a) The impact on the ward of any period of Medicaid ineligibility that would result from  
23 the proposed gift;

24           (b) Whether the ward has been the victim of a crime or has been or is at risk of being  
25 abused, neglected, or exploited within the meaning of RSA 161-F:43; or

26           (c) The cost of the ward's care to be paid by Medicaid as the result of the proposed gift or  
27 income reallocation.

28           II. No petition of spousal support shall be enforceable against the department as it relates to  
29 eligibility for medical assistance unless the petitioner provides a copy of the petition to the  
30 department at least 14 days prior to filing with the court.

31          28 Department of Health and Human Services; Medicaid Program; Personal Care Attendants.

32           I. The commissioner of the department of health and human services shall, if necessary,  
33 submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and  
34 Medicaid Services to authorize family caregivers or legally responsible persons of Medicaid  
35 recipients to serve as personal care attendants under the state Medicaid program. In addition, the  
36 commissioner may adopt rules under RSA 541-A relative to the ability of family caregivers and  
37 others to serve as personal care attendants for Medicaid recipients.

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 10 -**

1           II. There is hereby appropriated to the department of health and human services the sum of  
2 \$700,000 for the fiscal year ending June 30, 2023, for the purpose of implementing this section. The  
3 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
4 otherwise appropriated.

5           29 Lead Paint Poisoning Prevention and Control; Investigations. Amend the introductory  
6 paragraph of RSA 130-A:5, I to read as follows:

7           I. The commissioner shall investigate cases of lead poisoning in children reported under  
8 RSA 141-A whose blood lead level meets or exceeds 5 micrograms per deciliter of whole venous  
9 blood~~], as reported on 2 separate tests except that a blood lead level may be designated as elevated~~  
10 ~~by the health care provider when the level reported meets or exceeds 5 micrograms per deciliter on~~  
11 ~~the first venous test. With such a declaration, a second test shall not be required].~~ The  
12 commissioner may also conduct investigations when there is reason to believe that a lead exposure  
13 hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall  
14 include, but not be limited to:

15           30 Public Health; Food Service Licensure; Exemptions. Amend RSA 143-A:5, IV to read as  
16 follows:

17           IV. Recreation camps inspected and licensed under RSA [149] ***170-E, including recreation***  
18 ***camps that offer food to camp families or alumni in the 45 days prior to or after the camp***  
19 ***operating season.***

20           31 Compensation of Certain State Officers; Health and Human Services Positions Amended.  
21 Amend the following position in RSA 94:1-a, I(b), grade DD to read as follows:

22 DD Department of health and human services ~~[administrator, family strengthening and child well-~~  
23 ~~being initiatives]~~ ***business improvement administrator***

24           32 Department of Health and Human Services; Shift Differential Payments; Recovery  
25 Forgiveness; Appropriation.

26           I. Any shift differential payments made on or before July 1, 2021, which were inadvertently  
27 paid due to administrative error to certain clinical staff at New Hampshire hospital and the Glencliff  
28 home, shall be forgiven in full. This section shall preclude any recovery action by the state against  
29 those individuals for such payments.

30           II. Any clinical staff at New Hampshire hospital and the Glencliff home who did not receive  
31 the shift differential payments described in paragraph I, shall receive such payments retroactively.  
32 The department of health and human services, in coordination with the department of  
33 administrative services, may provide the retroactive payments without the approval of governor and  
34 council or the fiscal committee of the general court.

35           III. The sum of \$29,000 for the fiscal year ending June 30, 2023, is appropriated to the  
36 department of health and human services for the purpose of providing shift-differential payments to  
37 clinical staff at New Hampshire hospital and the Glencliff home, as described in paragraph II. The

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 11 -**

1 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
2 otherwise appropriated.

3 33 Department of Health and Human Services; Inpatient Treatment of Children's Behavioral  
4 Health; Positions Established. There are hereby established within the department of health and  
5 human services, 6 full-time, unclassified positions to manage inpatient treatment of children's  
6 behavioral health, in the division for behavioral health services. Subject to the completion of process  
7 and procedures of the joint committee on employee classification, established in RSA 14:14-c, the  
8 department shall transfer the existing 6 non-classified employees established for the same purposes  
9 to the newly established unclassified positions set forth in this section; and, thereafter, the  
10 department shall eliminate the 6 non-classified positions.

11 34 New Paragraph; Compensation of Certain State Officers; Salary Adjustment for Recruitment  
12 or Retention. Amend RSA 94:3-b by inserting after paragraph I the following new paragraph:

13 I-a. Notwithstanding any other provisions of law to the contrary, for any expenditure more  
14 than \$10,000 under this paragraph, upon the request of an appointing authority submitted to the  
15 commissioner of administrative services for review and evaluation and upon approval by the joint  
16 committee on employee classification, the governor and council is hereby authorized, upon a finding  
17 by them that it is in the best interests of the state and is necessary in order to recruit and retain or  
18 recruit or retain qualified personnel, to make recruitment or retention bonuses for classified clinical  
19 positions at New Hampshire hospital and the Glencliff home. The department of health and human  
20 services, in conjunction with the department of administrative services, is authorized to make any  
21 expenditure less than or equal to \$10,000 under this paragraph.

22 35 Department of Health and Human Services; Office of Reimbursement; Duties. Amend RSA  
23 126-A:34, I(a) to read as follows:

24 (a) Review and investigate all records of the New Hampshire hospital, [~~Laeonia~~  
25 ~~developmental services,~~] the secure psychiatric unit, the Glencliff home, and [~~the Anna Philbrook~~  
26 ~~center]~~ ***the Hampstead hospital or other state-owned facilities that provide child inpatient***  
27 ***psychiatric treatment within the state mental health system***, relative to expenses incurred by  
28 patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by  
29 patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of  
30 the commissioner of health and human services, and make recommendations to the commissioner  
31 and to the respective superintendents or directors of such institutions, facilities, or programs as to  
32 the rates to be charged for the care, treatment, and maintenance of such patients, residents, or  
33 clients.

34 36 Department of Health and Human Services; Liability for Expenses and Hearing on Liability.  
35 Amend RSA 126-A:40, I(a) to read as follows:

36 (a) Whenever the court issues an order for evaluation, care, or treatment of a child at  
37 [~~the Philbrook center]~~ ***a facility that provides child inpatient psychiatric treatment within***

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 12 -**

1 ***the state mental health system*** pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such  
2 evaluation, care, or treatment shall be borne by the department, except as otherwise provided in this  
3 section.

4 37 Department of Health and Human Services; Liability for Expenses and Hearing on Liability.  
5 Amend RSA 126-A:40, III to read as follows:

6 III. The office of reimbursements, acting on behalf of the [~~New Hampshire hospital~~]  
7 ***department of health and human services***, is authorized to compromise or reduce any expense to  
8 be charged to the state.

9 38 Department of Health and Human Services; Limiting Use of Child Restraint Practices;  
10 Definitions. Amend RSA 126-U:1, III(d)(1) to read as follows:

11 (1) [~~The Anna Philbrook center.~~] ***Facilities providing inpatient psychiatric***  
12 ***treatment within the state mental health system.***

13 39 Department of Health and Human Services; New Hampshire Mental Health Services  
14 System; References to Anna Philbrook Center Removed. Amend the subdivision heading and the  
15 introductory paragraph of RSA 135-C:64 to read as follows:

16 [~~Anna Philbrook Center~~] ***Child Inpatient Psychiatric Treatment Facility***

17 135-C:64 [~~Philbrook Center~~] ***Child Inpatient Psychiatric Treatment Facility***; Purpose. The  
18 commissioner shall maintain behavioral health services for children and adolescents in one or more  
19 facilities [~~on the New Hampshire hospital campus, or other locations to be determined~~] ***as***  
20 ***designated*** by the commissioner. All services for children and adolescents shall be appropriate for  
21 each child's developmental stage and shall address the educational, supervisory, and clinical needs  
22 of each child. The purposes of child and adolescent services shall include but not be limited to:

23 40 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center  
24 Removed. Amend RSA 135-C:65 to read as follows:

25 135-C:65 Admission Limitation. Children subject to proceedings in juvenile court may be  
26 admitted to [~~the Philbrook center~~] ***a child inpatient psychiatric treatment facility within the***  
27 ***state mental health system*** for evaluation, care, or treatment only upon prior approval of the  
28 commissioner or designee.

29 41 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center  
30 Removed. Amend RSA 135-C:66 to read as follows:

31 135-C:66 Access of Records. Notwithstanding any other provisions of law, records regarding  
32 children [~~placed at Philbrook center~~] ***receiving child inpatient psychiatric treatment at a***  
33 ***facility within the state mental health system***, pursuant to RSA 169-B, 169-C, or 169-D shall be  
34 exchanged between employees of the department to facilitate coordinated care for those children and  
35 their families. The confidentiality of such information shall be maintained according to applicable  
36 law.

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 13 -**

1           42 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center  
2 Removed. Amend RSA 135-C:67 to read as follows:

3           135-C:67 Admission and Discharge. The commissioner shall adopt rules relative to eligibility  
4 criteria and procedures for admission to and discharge from [~~the Philbrook center~~] **facilities within**  
5 **the state mental health system that provide inpatient psychiatric treatment to children.**

6           43 Delinquent Children; Determination of Competence. Amend RSA 169-B:20, V to read as  
7 follows:

8           V. A competency evaluation may be conducted by an entity approved by the commissioner of  
9 health and human services, which may include an agency [~~other than the Philbrook center~~], a  
10 psychiatrist, or psychologist licensed in the state of New Hampshire. The commissioner shall adopt  
11 standards establishing the process for approval as an examiner as well as the qualifications required  
12 for approval, which shall be based on generally accepted standards for forensic psychiatrists and  
13 psychologists.

14           44 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, I(b) to read as  
15 follows:

16                   (b) Subparagraph (a) shall not apply to expenses incurred for special education and  
17 related services, or to expenses incurred for evaluation, care, and treatment of the minor [~~at the~~  
18 ~~Philbrook center~~] **when receiving child inpatient psychiatric treatment within the state**  
19 **mental health system**, or to expenses incurred for the cost of accompanied transportation.

20           45 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, III to read as  
21 follows:

22           III. The office of reimbursements acting on behalf of [~~Laconia developmental services and~~  
23 ~~the New Hampshire hospital~~] **the department of health and human services** is authorized to  
24 compromise or reduce any expense to be charged to the state **under this section.**

25           46 Child Protection Act; Preliminary Disposition. Amend RSA 169-C:16, III to read as follows:

26           III. The court may at any time order the child, parents, guardian, custodian, or household  
27 member subject to the petition or ex parte order, to submit to a mental health evaluation, or undergo  
28 a physical examination or treatment, with a written assessment being provided to the court. The  
29 court may order that the child, who is the subject of the petition or the family or both be evaluated  
30 by a mental health center or any other psychiatrist, psychologist or psychiatric social worker or  
31 family therapist or undergo physical examination or treatment with a written assessment provided  
32 to the court. Evaluations performed at [~~the Philbrook center~~] **a facility providing child inpatient**  
33 **psychiatric treatment within the state mental health system** may occur only upon receiving  
34 prior approval for such evaluation from the commissioner of the department of health and human  
35 services, or designee.

36           47 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I(b)(2) to read as follows:

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 14 -**

1                   (2) Expenses incurred for evaluation, care, and treatment of [~~the child at the New~~  
2 ~~Hampshire hospital~~] ***a child receiving inpatient psychiatric treatment within the state***  
3 ***mental health system***; or

4           48 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, IV to read as follows:

5           IV. The office of reimbursements acting on behalf of [~~Laeonia developmental services and~~  
6 ~~the New Hampshire hospital~~] ***the department of health and human services*** is authorized to  
7 compromise or reduce any expense to be charged to the state ***under this section***.

8           49 Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:14, III to read as  
9 follows:

10           III. If the court finds the child is in need of services, it shall, unless a report done on the  
11 same child less than 3 months previously is on file, order the department of health and human  
12 services or other appropriate agency to make an investigation and written report consisting of, but  
13 not limited to, the home conditions, school record and the mental, physical and social history of the  
14 child including sibling relationships and residences for the purpose of preserving relationships  
15 between siblings who are separated as a result of court ordered placement. Evaluations performed  
16 at [~~the Philbrook center~~] ***a facility providing child inpatient psychiatric treatment within the***  
17 ***state mental health system*** may occur only upon receiving prior approval for such evaluation from  
18 the commissioner of the department of health and human services or designee. When ordered by the  
19 court, such investigation shall include a physical and mental examination of the child, parents,  
20 guardian, or person having custody. The court may order a substance abuse evaluation of the child,  
21 parents, guardian, or person having custody. Any substance abuse evaluation of the parent,  
22 guardian, or person having custody of the child shall be conducted by a provider contracted with the  
23 bureau of substance abuse services, or a provider paid by the parent, guardian, or person having  
24 custody of the child. The cost of said evaluation shall be paid by private insurance, if available, or  
25 otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or  
26 at a reduced cost if the person is of limited means. The court shall inform the parents, guardian, or  
27 person having custody and child of their right to object to the physical examination, mental health  
28 evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court  
29 having jurisdiction within 5 business days after notification of the time and place of the examination  
30 or evaluation. The court may excuse the child, parents, guardian, or person having custody upon  
31 good cause shown. No disposition order shall be made by the court without first reviewing the  
32 investigation report, if ordered.

33           50 Children in Need of Services; Determination of Competence. Amend RSA 169-D:18-a, I to  
34 read as follows:

35           I. At any point during the proceedings, the court may, either on its own motion or that of  
36 any of the parties, order the child to submit to a mental health evaluation for the purpose of  
37 determining whether the child is competent to have committed the offenses or acts alleged in the

1 petition. The evaluation shall be completed within 60 days of the date of such order and shall be  
2 conducted by an agency [~~other than the Philbrook center~~] which is approved by the commissioner of  
3 health and human services, or conducted by a psychologist licensed in New Hampshire or a qualified  
4 psychiatrist, or by [~~the Philbrook center~~] **a facility providing child inpatient psychiatric**  
5 **treatment within the state mental health system** only upon receiving prior approval for  
6 admission of the child for such evaluation by the commissioner of the department of health and  
7 human services. The evaluation shall be submitted to the court in writing prior to the hearing on  
8 the merits.

9 51 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, I(b) to read as  
10 follows:

11 (b) Subparagraph (a) shall not apply to expenses incurred for special education and  
12 related services, or to expenses incurred for evaluation, care, and treatment of [~~the child at the~~  
13 ~~Philbrook center~~] **a child receiving inpatient psychiatric treatment within the state mental**  
14 **health system** or to expenses incurred for the cost of accompanied transportation.

15 52 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, IV to read as  
16 follows:

17 IV. The office of reimbursements acting on behalf of [~~Laeonia developmental services and~~  
18 ~~the New Hampshire hospital~~] **the department of health and human services** is authorized to  
19 compromise or reduce any expense to be charged to the state **under this section**.

20 53 Youth Services Center; Records. Amend RSA 621-A:7, I to read as follows:

21 I. Full and complete records shall be kept by the commissioner of the care and study of each  
22 child admitted to the youth services center. The records shall not be open to the inspection of any  
23 persons not on the staff of the commissioner except that such records shall be available, by court  
24 order, to any court having competent jurisdiction of the child in any matter pending in this state or  
25 to such person or persons as may be authorized by the court. Notwithstanding any other provision of  
26 law, exchange of medical or psychiatric records between [~~the Philbrook center~~] **a facility providing**  
27 **child inpatient psychiatric treatment within the state mental health system** and the  
28 department shall be permitted.

29 54 Emergency Treatment; Reference Change. Amend the introductory paragraph of RSA  
30 135:21-b to read as follows:

31 135:21-b Emergency Treatment. A physician licensed in the state, a psychiatrist-supervised  
32 physician assistant licensed in this state, a psychiatric mental health advanced practice registered  
33 nurse, or a person acting under such physician's, psychiatrist-supervised physician assistant's, or  
34 advanced practice registered nurse's direction may administer a recognized and approved form of  
35 medical or psychiatric treatment which the physician, psychiatrist-supervised physician assistant, or  
36 psychiatric mental health advanced practice registered nurse reasonably believes will tend to  
37 promote the physical and mental health of a patient of the New Hampshire hospital, [~~Laeonia~~

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 16 -**

1 ~~developmental services,]~~ Glencliff home, any community mental health or developmental services  
2 program or treatment facility receiving state grants under RSA 171-A, or any other treatment  
3 facility designated as a receiving facility under RSA 135-C, when:

4       55 State Facilities Other Than New Hampshire Hospital; Reference Change. Amend RSA 135-  
5 C:4, I to read as follows:

6           I. The commissioner shall have charge of the property and concerns of any facility owned by  
7 the state which provides, or which may be established to provide, care and treatment to persons who  
8 have mental illness or developmental disabilities, including those subject to the exception set forth  
9 in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at  
10 the facility in Concord, known as New Hampshire hospital. Such facilities include, but are not  
11 limited to, facilities established at Glencliff known as Glencliff home ~~[and Laconia, known as~~  
12 ~~Laconia developmental services]~~.

13       56 Child Protection Act; Institutional Abuse and Neglect; Reference Change. Amend RSA 169-  
14 C:37 to read as follows:

15       169-C:37 Institutional Abuse and Neglect. The department of justice shall be empowered to  
16 receive and investigate reports of institutional abuse or neglect at the youth development center,  
17 ~~[Laconia developmental services, and New Hampshire hospital]~~ **and any facility that provides**  
18 **child inpatient psychiatric treatment within the state mental health system;** and the  
19 department shall be empowered to receive and investigate reports of all other suspected instances of  
20 institutional abuse or neglect. Either the department of justice or the commissioner of the  
21 department or both may adopt rules consistent with this authority to investigate such reports and  
22 take appropriate action for the protection of children.

23       57 Guardians and Conservators; Conduct of Hearing; Reference Change. Amend RSA 464-A:8,  
24 III to read as follows:

25           III. The medical affidavit shall be evidence only of the proposed ward's inability to attend  
26 the hearing and shall not be considered in determining his or her incapacity. If the proposed ward is  
27 a patient at a county nursing home, **or** state hospital ~~[or Laconia developmental services]~~, the  
28 affidavit shall be by the medical director or medical superintendent of such county nursing home~~]~~  
29 **or** state hospital~~]~~ ~~or developmental services]~~.

30       58 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of  
31 Registration and Withholding of State Funds. Amend RSA 170-E:7, IV-d to read as follows:

32           IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall  
33 be ~~[\$50]~~ **\$25** and the card shall be valid for 5 years from the date of issuance, or a prorated amount  
34 of ~~[\$10]~~ **\$5** per year from the most recently completed criminal background check. A replacement  
35 card may be requested for a ~~[\$15]~~ **\$10** fee.



**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 17 -**

1           59 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records  
2 Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E:29-a, VII(b) to read  
3 as follows:

4           (b) The fee for a residential child care employment eligibility card shall be [~~\$50~~] **\$25**, and  
5 the card shall be valid for 5 years from the date of issuance, or a prorated amount of [~~\$10~~] **\$5** per  
6 year from the most recently completed criminal background check. The fee for a replacement card  
7 shall be [~~\$15~~] **\$10**.

8           60 New Section; Residential Care and Child-Placing Agency Licensing; Transfer or Discharge.  
9 Amend RSA 170-E by inserting after section 42 the following new section:

10          170-E:42-a Transfer or Discharge of Residents.

11           I. In this section:

12           (a) "Discharge" means movement of a resident from a child care agency to a non-  
13 institutional setting or the termination of services by a child care agency when the child care agency  
14 ceases to be legally responsible for the care of the resident.

15           (b) "Transfer" means movement of a resident from one child care agency to another child  
16 care agency when legal responsibility for the care of the resident changes from the transferring to  
17 the receiving child care agency.

18           II. A resident shall be transferred or discharged after appropriate discharge planning only  
19 for medical reasons, for the resident's welfare or that of other residents, or if the child care agency  
20 ceases to operate.

21           III. Transfer or discharge of a resident from a child care agency shall in all instances be  
22 preceded by written notice which shall contain the following:

23           (a) The reason for the proposed transfer or discharge;

24           (b) The effective date of the proposed transfer or discharge;

25           (c) The location to which the resident is transferred or discharged; and

26           (d) The name, address, and telephone number of the office of the ombudsman,  
27 established under RSA 126-A:4, III, and the name, address, and telephone number of the federally-  
28 designated protection and advocacy agency for individuals with disabilities.

29           IV. Except as provided in paragraph V, written notice of transfer or discharge shall be given  
30 at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed  
31 in the resident's file and a copy shall be transmitted to the resident's parent or legal guardian and  
32 the agency responsible for the resident's placement.

33           V. Written notice as provided in paragraph III shall be given as soon as practicable before  
34 transfer or discharge in the following circumstances:

35           (a) If an emergency transfer or discharge is mandated by the resident's health care  
36 needs;

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 18 -**

1           (b) If the transfer or discharge is mandated by the health or safety of other individual's  
2 in the child care agency;

3           (c) If the transfer or discharge is appropriate because the resident's needs cannot be met  
4 in the child care agency;

5           (d) If the transfer or discharge is appropriate because the resident's health has improved  
6 sufficiently so the resident no longer needs the services provided by the child care agency;

7           (e) If the transfer or discharge is mandated by court order;

8           (f) If the resident has reached the age of 21; or

9           (g) If the resident has resided in the child care agency for less than 30 days.

10          VI. For the purposes of this section, "transfer" or "discharge" shall not include transfers or  
11 discharges initiated at the request of the resident's parent or legal guardian.

12          VII. If the resident's parent or legal guardian wishes to have the resident relocate to another  
13 child care agency or place, the resident shall be relocated according to the resident's parent's or legal  
14 guardian's wishes; provided that the resident's parent or legal guardian gives written notice of such  
15 relocation to the child care agency.

16          VIII. For the purposes of this section, transfer shall not include the temporary movement of  
17 a resident from a facility to a hospital or other location for emergency medical treatment.

18          IX. The provisions of this section shall not apply to foster family homes, as defined in RSA  
19 170-E:25.

20          61 Department of Health and Human Services; Medicaid Reimbursement Rates for Hospital  
21 Birthing Services.

22           I. In order to ensure adequate access to labor services for women in New Hampshire, the  
23 department of health and human services shall increase the Medicaid reimbursement rate for  
24 facility-based birthing services provided at hospitals by 25 percent, in the aggregate, based on the  
25 rate in effect as of June 30, 2022.

26           II. The commissioner of health and human services shall have the discretion to implement  
27 the reimbursement increase to adjust for access risk geographically; provided that no critical access  
28 hospital or non-critical access hospital receives less than a 20 percent increase.

29           III. The sum of \$2,400,000 for the fiscal year ending June 30, 2023 is hereby appropriated to  
30 the department of health and human services for the purpose of increasing Medicaid reimbursement  
31 rates for hospital birthing services as provided in this section. The governor is authorized to draw a  
32 warrant for said sum out of any money in the treasury not otherwise appropriated.

33          62 New Paragraph; Out-of-State Providers; Consultation and Follow-up Care via Telehealth  
34 Permitted. Amend RSA 310-A:1-g by inserting after paragraph VI the following new paragraph:

35           VII. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; advanced  
36 practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home  
37 health care providers under RSA 151:2-b; midwives, governed by RSA 326-D; psychologists, governed

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 19 -**

1 by RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A;  
2 mental health practitioners governed by RSA 330-A; community mental health providers employed  
3 by community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use  
4 professionals, governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to  
5 provide consultation services or follow-up care via telehealth to a patient who previously received  
6 services from the provider in the state where the provider is licensed.

7 63 New Subparagraph; Departmental Administration; Registry Identification Cards. Amend  
8 RSA 126-X:4, II by inserting after subparagraph (g) the following new subparagraph:

9 (h) An attestation on a form issued by the department stating that the applicant has not  
10 been convicted of a felony offense. This attestation shall be subject to the penalties set forth in RSA  
11 641:3 for unsworn falsification and this shall be noted on the form issued by the department. In  
12 addition, a designated caregiver shall promptly inform the department if convicted of a felony offense  
13 subsequent to being issued a registry identification card.

14 64 Repeal. RSA 126-X:4, II-a and II-b, relative to criminal background checks for caregivers, are  
15 repealed.

16 65 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, III to  
17 read as follows:

18 III. The department shall verify the information contained in an application or renewal  
19 submitted pursuant to this section. The department shall approve or deny ~~[an]~~ **a complete**  
20 application or renewal for a qualifying patient within 15 days of receipt of the application. The  
21 department shall approve or deny ~~[an]~~ **a complete** application or renewal to serve as a designated  
22 caregiver within 15 days of receipt of the application ~~[and the criminal history records check results]~~.  
23 The department may deny an application or renewal only if the applicant did not provide the  
24 information required pursuant to this section, or if the applicant previously had a registry  
25 identification card revoked for violating the provisions of this chapter or rules adopted by the  
26 department, or if the department determines that the information provided was falsified or did not  
27 meet the requirements of this chapter or rules adopted by the department. The department shall  
28 notify an applicant of the denial of an application. An applicant who is aggrieved by a department  
29 decision may request an administrative hearing at the department.

30 66 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, IV(a) to read as follows:

31 IV.(a) ~~[An alternative treatment center shall conduct]~~ A state and federal criminal records  
32 check **shall be required** for every person seeking to become a principal officer, board member,  
33 agent, volunteer, or employee **of an alternative treatment center** before the person begins  
34 working at the alternative treatment center pursuant to RSA ~~[126-X:4, II-a]~~ **126-X:8, IV-a**. An  
35 alternative treatment center shall not allow any person to be an alternative treatment center agent  
36 who:

37 (1) Was convicted of a felony or felony drug-related offense; or

1 (2) Is under 21 years of age.

2 67 New Paragraph; Alternative Treatment Centers; Requirements; Criminal Background  
3 Check. Amend RSA 126-X:8 by inserting after paragraph IV the following new paragraph:

4 IV-a.(a) A person applying to be an alternative treatment center agent shall submit directly  
5 to the department of safety a criminal history records release form, as provided by the New  
6 Hampshire division of state police, authorizing the release of any felony convictions to the  
7 department. The applicant shall submit with the release form a complete set of electronic  
8 fingerprints taken by a qualified law enforcement agency or an authorized employee of the  
9 department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a  
10 second set of fingerprints shall be necessary in order to complete the criminal history records check.  
11 If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may,  
12 in lieu of the criminal history records check, accept police clearances showing no felony convictions  
13 from every city, town, or county where the person has lived during the past 5 years. The division of  
14 state police shall conduct a criminal history records check through its records and through the  
15 Federal Bureau of Investigation. Upon completion of the records check, the division of state police  
16 shall report to the department whether or not there are any felony convictions. The department  
17 shall maintain the confidentiality of criminal history record information received pursuant to this  
18 section. The applicant shall bear the cost of a criminal history records check.

19 (b) Notwithstanding subparagraph IV(a), an alternative treatment center may make a  
20 conditional offer of employment and allow a person to begin working at or for the alternative  
21 treatment center while the results of the state and federal criminal history records check are  
22 pending, provided that:

23 (1) Prior to beginning employment, the person completes a statement stating that  
24 the person does not have any felony convictions in this or any other state, and such statement shall  
25 be subject to the penalties set forth in RSA 641:3 for unsworn falsification, which shall be noted on  
26 the form issued by the department; and

27 (2) The conditional employment granted shall be revoked immediately if the criminal  
28 history records check results show any felony convictions in this or any other state.

29 68 Child Protection Act; Confidentiality. Amend RSA 169-C:25, II to read as follows:

30 II. It shall be unlawful for any person present during a child abuse or neglect hearing to  
31 disclose any information concerning the hearing that may identify a child or parent who is involved  
32 in the hearing without the prior permission of the court. Any person who knowingly violates this  
33 provision shall be guilty of a [~~misdemeanor~~] **violation**.

34 69 New Subparagraph; Services for Children, Youth and Families; Confidentiality of Case  
35 Records. Amend RSA 170-G:8-a, VI by inserting after subparagraph (b) the following new  
36 subparagraph:

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 21 -**

1 (c) Nothing in this section shall be construed to prevent a parent, guardian, immediate  
2 family member, or their counsel from releasing any records with the name of the child redacted.

3 70 Local Land Use Boards; Training. RSA 673:3-a is repealed and reenacted to read as follows:

4 673:3-a Training. Any member of a zoning board of adjustment or planning board may complete  
5 training offered by the office of planning and development or another organization that provides  
6 similar training covering the processes, procedures, regulations, and statutes related to the board on  
7 which the member serves. The office of planning and development shall develop standard self-  
8 training materials and corresponding tests for zoning boards of adjustment and planning boards  
9 which shall be provided to members free of charge. The office of planning and development may  
10 provide other types of training, which may be designed in a variety of formats including, but not  
11 limited to, web-based, distance learning, or traditional classroom style. For purposes of this section,  
12 the term "member" includes regular and alternate members of zoning boards of adjustment and  
13 planning boards.

14 71 New Paragraph; Local Land Use Boards; Staff; Finance. Amend RSA 673:16 by inserting  
15 after paragraph II the following new paragraph:

16 III. Any fee which a city or town imposes on an applicant pursuant to this title shall be  
17 published in a location accessible to the public during normal business hours. Any fee not published  
18 in accordance with this paragraph at the time an applicant submits an application shall be  
19 considered waived for purposes of that application. A city or town may comply with the  
20 requirements of this section by publicly posting a list of fees at the city or town hall or by publishing  
21 a list of fees on the city or town's Internet website.

22 72 New Paragraph; Local Land Use Planning and Regulatory Powers; Zoning. Amend RSA  
23 674:17 by inserting after paragraph III the following new paragraph:

24 IV. If a municipality allows an increased density, reduced lot size, expedited approval, or  
25 other dimensional or procedural incentive under this section for the development of housing for older  
26 persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive  
27 for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023,  
28 incentives established for housing for older persons shall be deemed applicable to workforce housing  
29 development.

30 73 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision.  
31 Amend RSA 676:3, I to read as follows:

32 I. The local land use board shall issue a final written decision which either approves or  
33 disapproves an application for a local permit and make a copy of the decision available to the  
34 applicant. ***The decision shall include specific written findings of fact that support the***  
35 ***decision. Failure of the board to make specific written findings of fact supporting a***  
36 ***disapproval shall be grounds for automatic reversal and remand by the superior court***  
37 ***upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15,***

1 ***unless the court determines that there are other factors warranting the disapproval.*** If the  
2 application is not approved, the board shall provide the applicant with written reasons for the  
3 disapproval. If the application is approved with conditions, the board shall include in the written  
4 decision a detailed description of all conditions necessary to obtain final approval.

5 74 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting  
6 after paragraph VII the following new paragraph:

7 VIII. Upon receipt of any application for action pursuant to this section, the zoning board of  
8 adjustment shall begin formal consideration and shall approve or disapprove such application within  
9 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to  
10 such extension as may be mutually agreeable. If a zoning board of adjustment determines that it  
11 lacks sufficient information to make a final decision on an application and the applicant does not  
12 consent to an extension, the board may, in its discretion, deny the application without prejudice, in  
13 which case the applicant may submit a new application for the same or substantially similar request  
14 for relief.

15 75 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

16 (c)(1) The board shall, at the next regular meeting or within 30 days following the  
17 delivery of the application, for which notice can be given in accordance with the requirements of  
18 subparagraph (b), determine if a submitted application is complete according to the board's  
19 regulation and shall vote upon its acceptance. Upon determination by the board that a submitted  
20 application is incomplete according to the board's regulations, the board shall notify the applicant of  
21 the determination in accordance with RSA 676:3, which shall describe the information, procedure, or  
22 other requirement necessary for the application to be complete. Upon determination by the board  
23 that a submitted application is complete according to the board's regulations, the board shall begin  
24 formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i),  
25 or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the  
26 case of a determination by the board that the application is a development of regional impact  
27 requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act  
28 to approve, conditionally approve, as provided in subparagraph (i), or disapprove. [~~Upon failure of~~  
29 ~~the board to approve, conditionally approve, or disapprove the application, the selectmen or city~~  
30 ~~council shall, upon request of the applicant, immediately issue an order directing the board to act on~~  
31 ~~the application within 30 days.] ***If the board determines that it lacks sufficient information to***  
32 ***make a final decision on an application and the applicant does not consent to an extension***  
33 ***pursuant to subparagraph (f), the board may, in its discretion, deny the application***  
34 ***without prejudice, in which case the applicant may resubmit the same or a substantially***  
35 ***similar application.*** If the planning board does not act on the application within that [~~30-day~~] ***65-***  
36 ***day*** time period, then [~~within 40 days of the issuance of the order,~~] the selectmen or city council  
37 shall certify on the applicant's application that the plat is approved pursuant to this paragraph[;~~

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 23 -**

1 ~~unless within those 40 days the selectmen or city council has identified in writing some specific~~  
2 ~~subdivision regulation or zoning or other ordinance provision with which the application does not~~  
3 ~~comply].~~ Such a certification, citing this paragraph, shall constitute final approval for all purposes  
4 including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

5 (2) Failure of the selectmen or city council to [~~issue an order to the planning board~~  
6 ~~under subparagraph (1), or to~~] certify approval of the plat upon the planning board's failure to  
7 [~~comply with the order,~~] **act within the required time period** shall constitute grounds for the  
8 superior court, upon petition of the applicant, to issue an order approving the application [~~if the~~  
9 ~~court determines that the proposal complies with existing subdivision regulations and zoning or~~  
10 ~~other ordinances].~~ **The superior court shall act upon such a petition within 30 days.** If the  
11 court determines that the failure of the selectmen or the city council to act was not justified, the  
12 court may order the municipality to pay the applicant's reasonable costs, including attorney's fees,  
13 incurred in securing such order.

14 76 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

15 (f) [~~The planning board may apply to the selectmen or city council for an extension not to~~  
16 ~~exceed an additional 90 days before acting to approve or disapprove an application.] The applicant  
17 may waive the requirement for planning board action within the time periods specified in  
18 subparagraph (c) and consent to such extension as may be mutually agreeable.~~

19 77 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after  
20 section 19 the following new subdivision:

21 Fee Shifting and Posting of Bond

22 677:20 Fee Shifting and Posting of Bond.

23 I. Whenever an appeal to the superior court is initiated under this chapter, the court may in  
24 its discretion require the person or persons appealing to file a bond with sufficient surety for such a  
25 sum as shall be fixed by the court to indemnify and save harmless the person or persons in whose  
26 favor the decision was rendered from damages and costs which he or she may sustain in case the  
27 decision being appealed is affirmed.

28 II. In any appeal initiated under this chapter the court may, subject to the provisions of this  
29 paragraph or any other provision of law, award attorney's fees and costs to the prevailing party.  
30 Costs and attorney's fees shall not be allowed against a local land use board unless it shall appear to  
31 the court that the board, in making the decision from which the appeal arose, acted with gross  
32 negligence, in bad faith, or with malice. Costs and attorney's fees shall not be allowed against the  
33 party appealing from the decision of a local land use board unless it shall appear to the court that  
34 said party acted in bad faith or with malice in appealing to court.

35 78 Municipal Economic Development and Revitalization Districts; Definition of Public Use.  
36 Amend RSA 162-K:2, IX-a to read as follows:

37 IX-a. "Public use" means:

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 24 -**

1           (a)(1) The possession, occupation, and enjoyment of real property by the general public  
2 or governmental entities[;] .

3           (2) The acquisition of any interest in real property necessary to the function of a  
4 public or private utility or common carrier either through deed of sale or lease[;].

5           (3) The acquisition of real property to remove structures beyond repair, public  
6 nuisances, structures unfit for human habitation or use, and abandoned property when such  
7 structures or property constitute a menace to health and safety[;and].

8           (4) Private use that occupies an incidental area within a public use; provided, that  
9 no real property shall be condemned solely for the purpose of facilitating such incidental private use.

10           **(5) *If separately adopted by the city or town by the procedure described in***  
11 ***RSA 162-K:1, the acquisition of real property to construct housing units which meet the***  
12 ***definition of workforce housing contained in RSA 674:58, IV, whether or not such***  
13 ***construction results from private development or private commercial enterprise. The***  
14 ***municipality shall not acquire property for this purpose through the powers of eminent***  
15 ***domain.***

16           (b) Except as provided in subparagraphs (a)(2), [~~and~~] (4), **and (5)** of this paragraph,  
17 public use shall not include the public benefits resulting from private economic development and  
18 private commercial enterprise, including increased tax revenues and increased employment  
19 opportunities.

20           79 Municipal Economic Development and Revitalization Districts; District Establishment and  
21 Development Programs; Authority to Acquire, Construct, and Promote Residential Development and  
22 Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:

23           (h) Lease all or portions of basements, ground and second floors of the public buildings  
24 constructed in the district; [~~and~~]

25           (i) Negotiate the sale or lease of property for private development if the development is  
26 consistent with the development program for the district[-] ; **and**

27           **(j) *If separately adopted by the city or town by the procedure described in RSA***  
28 ***162-K:1, acquire, construct, reconstruct, improve, alter, extend, operate, maintain or***  
29 ***promote residential developments aimed at increasing the available housing stock within***  
30 ***the municipality.***

31           80 Effective Date.

32           I. Sections 1-5, 7-9, 12, 21, 22, 28, 34, 58, 59, and 61 of this act shall take effect July 1, 2022.

33           II. Sections 23, 29, 70-74, and 76-79 of this act shall take effect 60 days after its passage.

34           III. Sections 6, 31-33 of this act shall take effect June 30, 2022.

35           IV. Sections 13, 14, 68, and 75 of this act shall take effect January 1, 2023.

36           V. Sections 63-67 of this act shall take effect 30 days after its passage.

37           VI. The remainder of this act shall take effect upon its passage.



**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 25 -**

The signatures below attest to the authenticity of this Report on HB 1661-FN-LOCAL, relative to regional career technical education agreements and relative to an appropriation for constructing a legislative parking garage.

Conferees on the Part of the Senate

Conferees on the Part of the House

---

Sen. Bradley, Dist. 3

---

Rep. Ladd, Graf. 4

---

Sen. Hennessey, Dist. 1

---

Rep. Umberger, Carr. 2

---

Sen. D'Allesandro, Dist. 20

---

Rep. Cordelli, Carr. 4

---

Rep. Packard, Rock. 5

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 26 -**

2022-2088-CofC

AMENDED ANALYSIS

This bill:

1. Requires sending district schools and career and technical education (CTE) centers to enter into an agreement to include scheduling, access, transportation, and credits for CTE students.
2. Makes an appropriation for preliminary design, engineering, and site work for a new legislative parking garage and for costs for relocating the department of justice.
3. Establishes a special fund for administration of opioid treatment programs.
4. Establishes a pilot program plan for individuals with developmental disabilities, requires approval of the fiscal committee for implementation of the program, and makes an appropriation for this purpose.
5. Revises the department's authority to recover unauthorized payments by the state.
6. Repeals certain reporting requirements.
7. Establishes investigatory procedures and licensing criteria for recreational camps.
8. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.
9. Creates a separate category of foster care license for kinship care homes.
10. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.
11. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.
12. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.
13. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.
14. Clarifies the food service licensure exemption for recreational camps.
15. Revises certain department of health and human services employee position titles.
16. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glenclyff home and makes an appropriation for this purpose.
17. Establishes new positions for inpatient treatment of children's behavioral health.
18. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glenclyff home.
19. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services and inserts a reference to Hampstead hospital.

**Committee of Conference Report on HB 1661-FN-LOCAL**  
**- Page 27 -**

20. Decreases the fee for certain child care employment eligibility cards.
21. Establishes requirements for the transfer or discharge of residents from certain child care agencies.
22. Makes an appropriation to the department of health and human services for hospital birthing services.
23. Permits consultation and follow up care via telehealth from out-of-state health care providers.
24. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.
25. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.
26. Makes changes to the training and procedures for zoning and planning boards offered by the office of planning and development.
27. Creates incentives and establishes requirements for workforce housing and affordable housing development.