



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: November 15, 2010

TO: Honorable John H. Lynch, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Sylvia B. Larsen, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Robert Cushing, Chair

SUBJECT: Final Report on HB 1602, Chapter 96, Laws of 2010

Pursuant to HB 1602, Chapter 96, Laws of 2010, enclosed please find the Final Report of the Committee to Study Establishing A Secure Multi-Program Forensic Psychiatric Hospital As Part of New Hampshire Hospital and Developing A Proposal to Expedite Construction and Operation of Such A Treatment Facility.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

RC/ta
Enclosure

cc: Committee Members

Committee to Study Establishing A Secure Multi-Program Forensic
Psychiatric Hospital As Part of New Hampshire Hospital and Developing A
Proposal to Expedite Construction and Operation of Such A Treatment
Facility
(HB 1602, Chapter 96, Laws of 2010)

Final Report
November 15, 2010

Rep. Robert Cushing, Chair
Rep. Rich DiPentima
Rep. Beth Rodd
Rep. David Welch
Rep. Lynne Ober
Sen. Jacalyn Cilley
Sen. Sharon Carson

The committee was established to study establishing a secure multi-program forensic psychiatric hospital as part of New Hampshire hospital and developing a proposal to expedite construction and operation of such a treatment facility. The committee's duties were as follows:

- Review the history of the current secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1, including previous efforts and proposals to locate a secure psychiatric unit in an environment more conducive to mental health care treatment rather than incarceration.
- Study issues of federal reimbursement for the secure psychiatric unit and explore other sources of funding for the construction and operation of a secure multi-program forensic psychiatric hospital, including private charities and other entities with an interest in ensuring that consumers of health care services, including persons with severe mental illnesses who are a threat to other persons or to themselves, have adequate access to needed care.
- Identify possible legal liabilities and court challenges that could arise from the continued co-mingling of non-adjudicated persons with severe mental illness or disorders with individuals who have been adjudicated and deemed to need mental health care intervention.
- Work with the commissioners of the department of corrections and the department of health and human services, to develop a proposal to expedite construction and operation of a secure multi-program forensic psychiatric hospital, including preparing to submit a request for the 2012-2013 capital budget relative to building a new facility.

- Solicit information from any source the committee deems relevant to the purpose for which it is established.

The committee heard from a variety of interested parties, including the bill's sponsor, representatives from the Department of Health and Human Services and New Hampshire Hospital, the Department of Corrections and the Secure Psychiatric Unit, a representative from the Disabilities Rights Center and a representative from the State Employee's Association. The committee also participated in a tour of both the Secure Psychiatric Unit and New Hampshire Hospital.

The committee reviewed the history and purpose of the Secure Psychiatric Unit. Traditionally, mentally ill persons within the criminal justice system were under the jurisdiction of DHHS within a forensic unit; jurisdiction was later transferred to DOC due to security issues. The current SPU is a separate unit located at the New Hampshire State Prison for Men in Concord which contains 60 beds, 20 of which are designated for the prison's Residential Treatment Unit as a result of a 2005 court order. The remaining 40 beds are utilized for a diverse population which includes:

- State and county prisoners transferred to the unit under RSA 623:1
- Persons with developmental disabilities committed under RSA 171-B
- Persons found not guilty by reason of insanity (NGRI) under RSA 651
- Persons committed for evaluation for competency to stand trial under RSA 135
- Persons involuntarily civilly committed to New Hampshire Hospital or SPU under RSA 135-C
- Sexually violent predators committed under RSA 135-E.

The committee learned that this diverse population creates a number of challenges, not least of which is the concern regarding the comingling of the mentally ill with the general criminal population. The committee was also informed of the difficulty in developing and designing a treatment plan for the different populations, the inability to admit new persons (particularly county inmates) for treatment due to the scarcity of available beds, and the loss of federal Medicaid reimbursement due to the unit's location within the prison grounds.

Based upon this current information and cognizant of past efforts to study and resolve these issues, the committee asked the Department of Health and Human Services and the Department of Corrections to formulate a proposal which might address these concerns; after collaboration between the two departments and with input from the Department of Administrative Services, the following plan was offered:

- The Department of Corrections should continue to operate the Secure Psychiatric Unit at the prison, but the Unit should be made available only for services to sentenced inmates within the prison system and to those sentenced county jail inmates accepted for transfer by DOC on a case-by-case basis pursuant to RSA 623:1. This group currently represents the largest population within the SPU and the DOC believes that the unit could easily be filled if it were available exclusively to the prison population.
- There should be established a suitable program and separate facility for persons committed under RSA 171-B that could qualify for direct federal reimbursement under Medicaid. This relatively small population is of such a distinctly different character than the treatment services available at the SPU that it warrants its own separate facility.
- A new secure psychiatric facility should be established in close proximity to New Hampshire Hospital for the treatment and care of persons civilly committed under RSA 135-C, persons found not guilty by reason of insanity under RSA 651, persons committed for evaluation for competency to stand trial under RSA 135, and sexually violent predators committed under RSA 135-E. This facility could also be made available on a limited basis for the transfer of pre-sentenced county inmates pursuant to RSA 623:1.
- The new facility should include 48 beds for the various populations with the understanding that when the number of sexually violent predators is of sufficient size to warrant a separate facility, a new facility be developed specifically for that population. There are currently 3 sexually violent predators within the SPU population; however, this population is expected to grow at a rate of 3-5 per year, thus warranting a separate facility in the future.

The committee believes that this proposal represents a thoughtful and cost-effective solution to many of the issues regarding the current SPU and therefore strongly endorses the efforts of the Department of Health and Human Services and the Department of Corrections to present this proposal to the capital budget process. Specifically, the committee endorses the presentation of Phase I (preliminary design) to the capital budget process in 2011; if successful, the committee further endorses presentation of Phase II (design development) to the capital budget process in 2012. (*see attached*) Additionally, the committee recommends the establishment of an oversight committee composed of members from the House Committees on Criminal Justice & Public Safety, Health, Human Services & Elderly Affairs, Public Works & Highways and Finance to oversee the implementation of the plan recommended by this committee. The committee believes that continued inaction will result in the treatment needs of the various populations going unmet and that a proactive effort is preferable to a solution imposed as the result of litigation and judicial order. Accordingly, the committee believes that present action is necessary.

Respectfully submitted,

Rep. Robert Cushing, Chair

Proposed Secure Psychiatric Unit

**Hugh J. Gallen State Office Park
Department of Health & Human Services
New Hampshire Hospital
Acute Psychiatric Services
36 Clinton Street – Concord, NH**

PRELIMINARY PROJECT CONSTRUCTION COST ESTIMATE

INTRODUCTION

During the 2010, session of the General Court, the legislature enacted a bill establishing a committee to study establishing a secure multi-program forensic psychiatric hospital as part of New Hampshire Hospital.

The attached projected costs for this project have been produced based solely on preliminary discussions for the creation and construction of a Secure Psychiatric Unit to be connected or otherwise immediately adjacent to the existing New Hampshire Hospital APS Building.

PROJECT OUTLINE

This project includes the site selection, design and construction, and site improvements that might be required to provide a Secure Psychiatric Unit at the New Hampshire Hospital. The facility is anticipated to encompass approximately 35,000 square feet and include 48 single patient/inmate rooms, circulation space, offices, restrooms, secure toilets and showers, patient/inmate dayrooms and a secure exterior exercise yard. It is hoped that the PSU can be connected to the existing NHH APS Building through a secure sally port for delivery of patients/inmates.



BASIS FOR ESTIMATED COSTS

The attached estimate is the anticipated fair construction value for the construction of this project for budgeting purposes only. The estimate is preliminary and should not be considered as a prediction of the low bid process. The anticipated costs are based on probable local construction costs that could be associated with the probable design scope outlined above.

The costs identified in the estimate include subcontractor markups in each line item unit price. Subcontractor markups would cover the cost of field overhead, office overhead and subcontractor profit.

We have identified the General Contractor's general conditions separately, as well as the general contractor's overhead and profit for a project of this size. The general conditions would include such items as the contractor's bond, insurance, site office overhead, and permit applications, etc. The General Contractor's overhead and profit typically include the contractor's direct overhead costs associated with the project, equipment, vehicles, home office administration costs and of course profit.

While the attached preliminary estimate does include fixed furnishings, it excludes movable furniture and equipment associated with daily operation and staffing and treatment of patient/inmates. We have also

excluded such items associated with the construction of the facility such as shift premiums, police details, etc.

We have also included a construction contingency of approximately 15% for this project. We anticipate changes in construction costs as the design and bidding process progresses and, once the actual facility is designed cost estimates would require adjustment. We would also suggest that change orders are likely to occur during construction.

Proposed Secure Psychiatric Unit

Hugh J. Gallen State Office Park
Department of Health & Human Services
New Hampshire Hospital
Acute Psychiatric Services
36 Clinton Street – Concord, NH

PRELIMINARY PROJECT DESIGN/ENGINEERING COST ESTIMATE

INTRODUCTION

We have attempted to anticipate the projected architectural design and engineering costs that could be associated with development of the design of the Proposed Secure Psychiatric Unit, and preparation of construction documents (construction plans, specifications and bid documents) to allow competitive bids to be submitted for construction of the facility.

PROJECT DESIGN COST OUTLINE

The projected design costs below are identified in phases. This will allow the Department to develop detailed programmatic requirements with design professionals that have experience in all aspects of spatial relationships for a secure psychiatric facility. Once the essential project scoping requirements have been identified, the design team will work with the Department to determine the most appropriate spatial relationships to generate a proposed building layout.

The design team will use the established programming and placement requirements to create preliminary design(s) that establish appropriate placement of the facility at or around the existing NHH APS Building, as well as anticipated construction materials. The schematic design as developed, and accepted by the Department, will be the basis for the design team to prepare a more detailed construction cost estimate, which will assist the Department in determining budgetary requirements for funding the construction of the facility.

ARCHITECTURAL/ENGINEERING COSTS

	<i>Description</i>	<i>Subtotal</i>	<i>Total</i>
Phase 1	Programming, Schematic Design, Preliminary Cost Estimate(s)	\$ 176,000	
	Site Survey, Underground Investigations	\$ 27,500	\$ 203,500
Phase 2	Design Development, Cost Estimate(s)	\$ 300,000	
	Hazardous Materials Investigation(s)	\$ 6,500	\$ 306,500
Phase 3	Construction Documents, Bid Documents, Construction Estimate(s)	\$ 475,000	
	Specialty Consultant Services	\$ 120,000	\$ 595,000
Phase 4	Construction Site Visits, Change Orders, Meetings, etc.	\$ 120,000	
			\$ 120,000
ESTIMATED A/E CONTRACTED SERVICES COSTS			\$ 1,225,000

Proposed Secure Psychiatric UnitOctober
26,
2010Hugh J Gallen State off Park
New Hampshire Hospital
Acute Psyciatric Services
36 Clinton Street - Concord, NH**Preliminary Estimates for planning purposes**

GFA 35,500

ESTIMATED COST SUMMARY

Building System	Subtotal	Total	\$/SF	%
FOUNDATIONS				
Standard Foundations	\$ 263,500.00			
Lowest Floor Construction	\$ 163,250.00	\$ 426,750.00	\$ 12.02	4.8%
L1 CONSTRUCTION				
L1 Excavation/slab	\$ 32,900.00			
L1 Slab/Walls	\$ 83,650.00	\$ 116,550.00	\$ 3.28	1.3%
SUPERSTRUCTURE				
Upper Floor Construction	\$ 143,850.00			
Roof Construction	\$ 324,500.00	\$ 468,350.00	\$ 13.19	5.2%
EXTERIOR ENCLOSURE				
Exterior Walls	\$ 904,550.00			
Windows	\$ 832,500.00			
Exterior Doors	\$ 44,230.00	\$ 1,781,280.00	\$ 50.18	19.9%
ROOFING				
Roof Coverings	\$ 405,600.00			
Roof Openings	\$ 13,300.00	\$ 418,900.00	\$ 11.80	4.7%
INTERIOR CONSTRUCTION				
Partitions	\$ 586,950.00			
Interior Doors	\$ 204,750.00			
Specialties/Millwork	\$ 192,600.00	\$ 984,300.00	\$ 27.73	11.0%

STAIRCASES

Stair Construction	\$	109,900.00			
Stair Finishes	\$	19,000.00	\$	128,900.00	3.63 1.4%

INTERIOR FINISHES

Wall Finishes	\$	115,350.00			
Floor Finishes	\$	134,900.00			
Ceiling Finishes	\$	268,260.00	\$	518,510.00	14.61 5.8%

ESTIMATED COST SUMMARY

Building System		Subtotal		Total	\$/SF	%
CONVEYING SYSTEMS						
Elevator	\$	195,600.00	\$	195,600.00	5.51	2.2%
PLUMBING						
Plumbing	\$	425,330.00	\$	425,330.00	11.98	4.7%
HVAC						
HVAC	\$	1,154,450.00	\$	1,154,450.00	32.52	12.9%
FIRE PROTECTION						
Fire Protection	\$	163,300.00	\$	163,300.00	4.60	1.8%
ELECTRICAL						
Service/Distribution	\$	297,450.00				
Lighting & Power	\$	142,580.00				
Communication/Security	\$	355,880.00				
Other Systems	\$	18,000.00	\$	813,910.00	22.93	9.1%
EQUIPMENT						
General Equipment	\$	115,850.00	\$	115,850.00	3.26	1.3%
FURNISHINGS						
Fixed Furnishings	\$	85,840.00	\$	85,840.00	2.42	1.0%
Movable Furnishings	NIC					
SITE PRE/DEVELOPMENT						
Site Preparation/Demolition	\$	369,650.00				
Site Improvements	\$	545,450.00				
Civil/Mechanical Utilities	\$	140,550.00				
Electrical Utilities	\$	105,800.00	\$	1,161,450.00	32.72	13.0%

<i>TOTAL DIRECT COST (Trade Costs)</i>		\$ 8,959,270.00	\$ 252.37	100.0%
MARK UP				
General Conditions	\$ 1,225,300.00			
Overhead/Profit	\$ 1,554,600.00	\$ 2,779,900.00	\$ 78.31	20.6%
<i>SUBTOTAL CONTRUCTION</i>		\$ 11,739,170.00	\$ 330.68	
CONTINGENCIES/ESCALATION				
Construction Contingency	\$ 1,760,830.00	\$ 1,760,830.00		15.0%
<i>ESTIMATED CONTRACT AWARD</i>		\$ 13,500,000.00	\$ 380.28	