

Rep. Eaton, Ches. 3  
March 24, 2017  
2017-1133h  
05/03

Draft Amendment to HB 2-FN-A-LOCAL

1       1 Commission to Review Child Abuse Fatalities; Reporting Dates. Amend RSA 169-C:39-k, V to  
2 read as follows:

3           V. The commission shall submit an interim report of its findings and any recommendations  
4 for proposed legislation to the president of the senate, the speaker of the house of representatives,  
5 the senate clerk, the house clerk, the governor, and the state library on or before [~~November 1,~~  
6 ~~2015~~] **September 1, 2017**. The commission shall submit a final report of its findings and  
7 recommendations on or before [~~June 30, 2017~~] **September 1, 2018**.

8       2 Commission to Review Child Abuse Fatalities; Repeal Date Extended. Amend 2015, 127:6, II,  
9 as amended by 2016, 201:2 and 2016, 229:3, to read as follows:

10           II. Section 5 of this act shall take effect [~~June 30, 2017~~] **September 1, 2018**.

11       3 Effective Date. This act shall take effect upon its passage.

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2017-1133h

AMENDED ANALYSIS

1. Extends the reporting date and prospective repeal date of the commission to review child abuse fatalities.

Rep. Umberger, Carr. 2  
March 24, 2017  
2017-1134h  
06/04

Draft Amendment to HB 2-FN-A-LOCAL

1        1 Department of Transportation; Mitigation Plan; Appropriation. Up to \$22,000,000 of New  
2 Hampshire's share of the \$2,700,000,000 Volkswagen Mitigation Trust Agreement, approved by the  
3 United States District Court, Northern District of California on October 25, 2016, is hereby  
4 appropriated to the department of transportation for the purpose of purchasing equipment that is  
5 deemed eligible for replacement in accordance with the state's beneficiary mitigation plan created  
6 as provided under the agreement. This appropriation shall be nonlapsing and continually  
7 appropriated to the department of transportation. The use of funds is subject to approval of a  
8 funding request by the trustee appointed by the United States District Court, Northern District of  
9 California.

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2017-1134h

AMENDED ANALYSIS

1. Makes a appropriation to the department of transportation for purchasing equipment in accordance with the beneficiary mitigation plan under the Volkswagen Mitigation Trust Agreement.

Note: Replaces amendment # 1069h  
in Division 3 amendment packet.

Rep. Rosenwald, Hills. 30  
March 27, 2017  
2017-1136h  
01/04

Draft Amendment to HB 2-FN-A-LOCAL

1       1 New Subparagraph; Commissioner's Duties; Medicaid Managed Care Program; Prior  
2 Authorization. Amend RSA 126-A:5, XIX by inserting after subparagraph (f) the following new  
3 subparagraph:

4           (g)(1) By July 15, 2017, the commissioner shall develop a universal online prior  
5 authorization form for drugs used to treat mental illness and require community mental health  
6 centers and managed care organizations to use such form by September 1, 2017. A prior  
7 authorization request submitted using the online form shall be approved or denied by the close of  
8 the next business day. Failure to meet this time frame shall be deemed automatic approval. If the  
9 prior authorization is denied, the provider may request a peer-to-peer review with a licensed  
10 psychiatric specialist with prescribing privileges by the close of the next business day. Failure by  
11 the managed care organization to provide such review by the close of the next business day shall be  
12 deemed automatic approval.

13           (2) Prior authorization for drugs prescribed by community mental health centers for  
14 treatment of severe mental illness shall be suspended if the deadlines under this subparagraph are  
15 not met, or if the commissioner determines there is a pattern of missed deadlines for peer-to-peer  
16 reviews following denials, or if at any time the commissioner determines such suspension is  
17 necessary to promote the behavioral health and well-being of New Hampshire's citizens being  
18 served under Medicaid managed care.

19           (3) The commissioner shall monitor compliance under this subparagraph and shall  
20 report quarterly through December 31, 2018 to the fiscal committee of the general court relative to  
21 adherence to all such requirements including the rate of denial.

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2017-1136h

AMENDED ANALYSIS

Requires the commissioner of the department of health and human services to develop a universal online prior authorization form for drugs used to treat mental illness by July 15, 2017 and require community mental health centers and managed care organizations to begin using it by September 1, 2017.

Rep. Byron, Hills. 20  
March 27, 2017  
2017-1138h  
06/03

Note: Replaces amendment  
#1024h in Division 3  
amendment packet.

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 78.

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2017-1138h

AMENDED ANALYSIS

Delete:

26. Increases annual funding for the alcohol abuse prevention and treatment fund to at least 3.4 percent of the previous fiscal year gross profits derived from liquor sales, with the percentage rising to 4 percent for fiscal years in which at least 80 percent of the fund is expended.

Rep. Byron, Hills. 20  
March 27, 2017  
2017-1139h  
05/06

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 85 with the following:

2

3 85 Department of Health and Human Services; Division for Children, Youth, and Families.

4 I. For the biennium ending June 30, 2019, the rates for all services, placements, and  
5 programs that are payable by the department pursuant to RSA 169-B:40, RSA 169-C:27, and RSA  
6 169-D:29 shall be increased by amounts not to exceed the appropriations for these services  
7 contained within the operating budget for fiscal year 2018 and fiscal year 2019.

8 II. Notwithstanding paragraph I, upon the department's implementation of managed care,  
9 the rate of reimbursement for Medicaid eligible services and programs for a Medicaid eligible child  
10 shall be the rate agreed to by the provider and the managed care organization.

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2017-1139h

AMENDED ANALYSIS

1. Increases the rates for certain services, placements, and programs that are payable by the department of health and human services.

Rep. Kurk, Hills. 2  
March 27, 2017  
2017-1140h  
05/10

Note: Replaces amendment  
#1031 h in Division 3  
amendment packet.

Draft Amendment to HB 2-FN-A-LOCAL

1       1 New Subparagraph; Delinquent Children; Release or Detention Pending Adjudicatory  
2 Hearing. Amend RSA 169-B:14, I(e) by inserting after subparagraph (2) the following new  
3 subparagraph:

4               (3) Secure detention shall not be ordered for delinquency charges which may not  
5 form the basis for commitment under RSA 169-B:19, I(j).

6       2 Dispositional Hearing. Amend RSA 169-B:19, VI to read as follows:

7               VI. A minor committed to the youth development center for the remainder of minority may  
8 be placed at any facility certified by the commissioner of the department of health and human  
9 services for the commitment of minors. The commissioner of the department of health and human  
10 services shall be responsible for notifying the court, within 5 business days, of any such placement  
11 and of any subsequent changes in placement made within 60 days of the original placement. *The*  
12 *commissioner shall maintain certification of at least one Medicaid-eligible residential*  
13 *treatment facility for the transfer pursuant to this paragraph of offenders other than*  
14 *serious violent offenders beginning January 1, 2018, and no fewer than 2 such facilities no*  
15 *later than July 1, 2018. For purposes of this section, a "serious violent offender" is a minor*  
16 *subject to a commitment order for a serious violent offense as defined in RSA 169-B:31-c.*

17       3 New Section; Limits on Extended Detention. Amend RSA 169-B by inserting after section 16  
18 the following new section:

19       169-B:16-a Limits on Extended Detention Following Adjudicatory Hearing. Following the  
20 initial dispositional order issued pursuant to RSA 169-B:19 regarding a charge or charges arising  
21 out of a single incident, a child shall not be securely detained for a period or periods totaling longer  
22 than 21 days while awaiting placement, a hearing regarding a change of disposition, or for any  
23 other purpose. The court may permit extended detention beyond this limit if it finds by clear and  
24 convincing evidence that extended detention is necessary for the safety of the child or the public  
25 and the child consents with the assistance of counsel. In any case involving a child who is detained,  
26 the court shall ensure that the child is continuously represented by counsel during any period of  
27 detention. In cases where extended detention is permitted pursuant to this section, the court shall  
28 hold review hearings with the child and counsel present on a weekly basis to determine whether  
29 detention continues to be justified.

30       4 Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

31               (j) Commit the minor to the custody of the department of health and human services for  
32 the remainder of minority. Commitment under this subparagraph may only be made following

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1 written findings of fact by the court, supported by clear and convincing evidence, that commitment  
2 is necessary to protect the safety of the minor or of the community, and may only be made if the  
3 minor has not waived the right to counsel at any stage of the proceedings. Commitment may not be  
4 based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding  
5 or at any stage of the proceedings from which the contempt arises. Commitment may include, but is  
6 not limited to, placement by the department of health and human services at a facility certified for  
7 the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant  
8 to RSA 621:19, or administrative release consistent with the cap on youth development center  
9 population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is  
10 notified. *Commitment under this subparagraph shall not be ordered as a disposition for a  
11 violation of RSA 262 or 637, possession of a controlled drug without intent to sell under  
12 RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if  
13 committed by an adult. However, commitment may be ordered under this subparagraph  
14 for any offense which would be a felony or class A misdemeanor if committed by an adult  
15 if the minor has previously been adjudicated under this chapter for at least 3 offenses  
16 which would be felonies or class A misdemeanors if committed by an adult. A court shall  
17 only commit a minor based on previous adjudications if it finds by clear and convincing  
18 evidence that each of the prior offenses relied upon was not part of a common scheme or  
19 factual transaction with any of the other offenses relied upon, that the adjudications of  
20 all of the prior offenses occurred before the date of the offense for which the minor is  
21 before the court, and that the minor was represented by counsel at each stage of the prior  
22 proceedings following arraignment.*

23 5 New Section; Dispositions and Case Closure in Certain Cases. Amend RSA 169-B by  
24 inserting after section 31-b the following new section:

25 169-B:31-c Dispositions and Case Closure in Certain Cases.

26 I. Notwithstanding any other provision of this chapter, the court shall close all cases other  
27 than those involving serious violent offenses no later than 2 years after the date of adjudication.  
28 This section shall not apply if, with the assistance of counsel, the minor consents to continued  
29 jurisdiction.

30 II. In this section, "serious violent offenses" mean first degree murder, second degree  
31 murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree  
32 assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious  
33 sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery  
34 punishable as a class A felony, burglary while armed or involving the infliction of bodily harm  
35 under RSA 635:1, II, or arson punishable as a felony.

36 6 Youth Development Center; Releases and Discharges. Amend RSA 621:19, I-a to read as  
37 follows:

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1 I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a  
2 delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-  
3 B:35-a no later than 6 months from the date of the child's commitment pursuant to RSA 169-B:19,  
4 I(j), unless the board determines that continued commitment is necessary in order to protect the  
5 safety of the child or the community, and in such case declines to release the child. *Such release*  
6 *shall occur no later than 3 months from the date of the child's commitment if the offense*  
7 *would be a misdemeanor if committed by an adult.* If the board declines to release a child  
8 pursuant to this paragraph, it shall provide written notice to the child of his or her right to seek  
9 review of the board's decision, of his or her right to the assistance of counsel during the review  
10 process, and of the procedure the child may follow to initiate such a review. *If the board declines*  
11 *to release a child pursuant to this paragraph, it shall consider the child for release no*  
12 *later than 2 months after its initial decision, and every 2 months thereafter until the child*  
13 *is released. If the board declines to release a child pursuant to this paragraph on a*  
14 *second or subsequent occasion, it shall notify the court that committed the child, and the*  
15 *court shall appoint counsel in each such case to assist the child in filing a petition*  
16 *pursuant to paragraph I-b.* Parole review and release under this paragraph are not required  
17 during the period that a child is the subject of a delinquency petition which is awaiting adjudication  
18 or disposition.

19 7 New Paragraph; Youth Services Center; Releases and Discharges. Amend RSA 621:19 by  
20 inserting after paragraph III the following new paragraph:

21 IV. The department shall review, on a quarterly basis, the case of every child committed to  
22 the Sununu youth services center who is not a serious violent offender to determine if the child can  
23 safely be placed outside the Sununu youth services center. The department shall petition the court  
24 to modify the disposition of those cases in which a safe placement outside of the Sununu youth  
25 services center is possible. In this paragraph, "serious violent offender" means an offender  
26 adjudicated for a violent crime as defined in RSA 169-B:35-a, I(c) or any other felony which has as  
27 an element the actual or attempted infliction of injury upon another person within the previous 2  
28 years or adjudicated for an offense within the last year that created a substantial risk of serious  
29 bodily injury to another.

30 8 Youth Services Center; Population. Amend RSA 621:10, I to read as follows:

31 I. No residential facility at or under the control of the youth development center shall  
32 exceed, for a period of more than 24 hours, Sundays and holidays excluded, the maximum capacity  
33 for the facility as fixed by a population oversight panel composed of the fire marshal, the  
34 commissioner of the department of health and human services, and the assistant commissioner of  
35 transportation; *provided that, beginning September 1, 2018, such maximum capacity shall*  
36 *not exceed 36 residents.*

37 9 Alternative Placement Capacity for Youth; Reporting Requirement. In furtherance of the



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1 duty of the department of health and human services under RSA 170-G:4 to "[p]rovide services for  
2 all children and youth referred to it by the district courts pursuant to RSA 169-B . . .," the  
3 commissioner shall evaluate the adequacy of the service system and ensure that sufficient  
4 alternative placement capacity is in place for those children who prior to this act would have been  
5 placed at the Sununu youth services center. On or before September 1, 2017, a plan for  
6 development of such capacity shall be provided to the fiscal committee of the general court, and the  
7 plan shall be updated on a monthly basis until it is fully implemented. The plan shall provide for  
8 an increase in the state's capacity for placement in Medicaid-eligible settings of not less than 35  
9 minors who will no longer be eligible for placement at the Sununu youth services center. The  
10 increase in capacity shall be implemented no later than January 1, 2018, and include a rate  
11 structure which supports the staffing ratios and other resources necessary for the safe and effective  
12 treatment of such children in residential and other treatment settings. If necessary, the plan shall  
13 provide for a process for re-establishing cost-based rate-setting rules and procedures which may  
14 have expired.

15 10 Lease of Property; Sununu Youth Services Center. Notwithstanding RSA 10, the  
16 commissioner of the department of administrative services may offer for lease those portions of the  
17 Sununu youth services center building that become available for alternative uses following the  
18 reduction in population required by section 8 and other provisions of this act. The commissioner of  
19 the department of health and human services and the commissioner of the department of  
20 administrative services shall jointly report to the fiscal committee of the general court regarding  
21 plans for use of the building. The reporting shall begin on or before January 1, 2018, and continue  
22 with reporting of any changes to those plans until the disposition of the building is finalized.

23 11 Worker Displacement. To the extent permitted by existing law and collective bargaining  
24 agreements, employees affected by the provisions of this act shall be given the highest priority for  
25 transfer to vacant positions, job retraining, and recall rights. In addition, employees who are within  
26 5 years of regular retirement eligibility with the New Hampshire retirement system may request  
27 and shall be granted early retirement. Any required retirement payments under this provision  
28 shall be funded by the state of New Hampshire. Employees receiving early retirement under this  
29 provision shall relinquish future recall rights.

30 12 Applicability.

31 I. RSA 169-B:19, I(j), as amended by section 4 of this act, shall apply to cases pending on or  
32 after March 1, 2018 in which a dispositional order has not yet been entered.

33 II. RSA 169-B:31-c, as inserted by section 5 of this act, shall apply to cases commenced after  
34 July 1, 2016.

35 III. RSA 621:19, I-a, as amended by section 6 of this act, shall apply to minors confined  
36 pursuant to a commitment order issued pursuant to RSA 169-B:19, I(j) after October 1, 2017.

37 IV. RSA 621:19, IV, as inserted by section 7 of this act, shall apply to cases in which a

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1 minor is committed to the Sununu youth services center or any successor facility after October 1,  
2 2017.

3 13 Rate-setting. To the extent possible within available appropriations, the department of  
4 health and human services shall engage in a rate-setting process which is based on providers'  
5 reasonable costs of providing those services needed to implement the provisions of sections 1  
6 through 12 of this act.

7 14 Funding of Alternative Placement Capacity for Youth. Notwithstanding any other provision  
8 of law, no less than \$8,714,632 of the funds appropriated in account 05-95-42-421010-2958, class  
9 535, shall be expended during the biennium ending June 30, 2019, to fund rate increases and  
10 additional capacity for out-of-home placements pursuant to the duties of the commissioner of health  
11 and human services in section 9 of this act. These funds may not be transferred or utilized for any  
12 other purpose.

13 15 Effective Date.

14 I. Section 1 of this act shall take effect May 1, 2018.

15 II. Section 4 of this act shall take effect March 1, 2018.

16 III. Sections 5 and 9 of this act shall take effect upon its passage.

17 IV. Sections 13 and 14 of this act shall take effect July 1, 2017.

18 V. The remainder of this act shall take effect January 1, 2018.

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2017-1140h

AMENDED ANALYSIS

1. Revises the procedures for placement and detention of minors at the Sununu youth services center and other appropriate placements.