

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

Division of Behavioral Health / Drug and Alcohol Services / Glencliff / NH Hospital

	Contact	SOF	FY 2018	FY 2019	Total
<p><u>Governor's Commission on Alcohol & Drug Abuse Prevention, Treatment, and Recovery</u> Allocate \$2 million of unspent FY17 funds to construct a new substance use treatment wing at the Sununu Youth Services Center. See HB 517 amendment 1892s.</p>	Sen. Morse	N/A	\$0	\$0	\$0
<p><u>Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery</u> Amend the Governor's Commission appropriation in HB 144 to reflect 3.4% of prior year's gross Liquor profits, consistent with section 78 of HB 517. Revised appropriation equals \$6,900,000 in FY18 and \$7,280,000 in FY19. Will result in a general fund revenue reduction, given that Senate Ways & Means revenue estimates will assume current law of 1.7%.</p>		O	(\$2,372,566)	(\$1,992,566)	(\$4,365,132)
		G	(\$3,450,000)	(\$3,640,000)	(\$7,090,000)
<p><u>Governor's Commission on Alcohol & Drug Abuse Prevention, Treatment, and Recovery</u> Fund Governor's Commission at 5% of prior year's gross Liquor profits. (See HB 517 amendment #1812s.) Revised appropriation equals \$10,147,000 in FY18 and \$10,706,000 in FY19. Will result in a general fund revenue reduction, given that Senate Ways & Means revenue estimates will assume current law of 1.7%.</p>	Sen. Feltes	O	\$874,434	\$1,433,434	\$2,307,868
		G	(\$6,697,000)	(\$7,066,000)	(\$13,763,000)
<p><u>Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery</u> Remove provision in section 78 of HB 517 that increases the share of Liquor profits to 4% if the Governor's Commission encumbers at least 80% of the appropriated amounts. (See HB 517 amendment #1716s.)</p>	Sen. Morse	O	\$0	\$0	\$0

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Division of Behavioral Health / Drug and Alcohol Services / Glenclyff / NH Hospital					
	Contact	SOF	FY 2018	FY 2019	Total
<p><u>Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery</u> Add a footnote to the Governor's Commission to read as follows: "For the biennium ending June 30, 2019, funds determined by the commissioner of the department of health and human services to be necessary for the operational costs of the Sununu Youth Services Center and the substance use treatment wing of the Sununu Youth Services Center may be funded from the amounts appropriated herein."</p>	Sen. Morse	0	\$0	\$0	\$0
<p><u>Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery</u> Add a footnote to the Governor's Commission to read as follows: "Of the funds appropriated herein, \$150,000 in each fiscal year shall be used to fund the Boys and Girls Clubs' 'Smart Moves' program."</p>		0	\$150,000	\$150,000	\$300,000
<p><u>Governor's Commission on Alcohol & Drug Abuse, Prevention, Treatment, and Recovery</u> Add a footnote to the Governor's Commission to read as follows, based on the Senate Finance decision of 5/16/17: "From the amounts appropriated herein, \$283,152 in fiscal year 2018 and \$286,342 in fiscal year 2019 shall be transferred to the Governor's Office, Office of Substance Use Disorders and Behavioral Health."</p>		0	\$283,152	\$286,342	\$569,494

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<p><u>Community Mental Health - Rate Increases</u> Appropriate \$1.25 million per year for the purpose of providing additional support to community mental health centers. Add a footnote to read as follows: "From the amounts appropriated herein, \$1,250,000 in each year of the biennium shall be used to increase salaries to help attract and retain clinical staff across the ten community mental health centers."</p>	Sen. Feltes	G	\$1,250,000	\$1,250,000	\$2,500,000
<p><u>Community Mental Health - Childhood ACT Team</u> Appropriate \$490,000/year (total funds) for the purpose of funding a childhood assertive community treatment (ACT) team.</p>	Sen. Feltes	G	\$315,000	\$315,000	\$630,000
		F	\$175,000	\$175,000	\$350,000
<p><u>Nursing Positions</u> Fund 9 NH Hospital nursing positions unfunded in the governor's budget.</p>		G	\$357,428	\$364,577	\$722,005
		F	\$357,428	\$364,577	\$722,005
<p><u>Glencliff Maintenance</u> Consistent with House Finance amendment to HB1, reduce funding for heat, electricity, and water, to account for conversion to biomass.</p>	Included in House Finance Recommended Budget	G	(\$120,000)	(\$145,000)	(\$265,000)
<p><u>Miscellaneous Errata</u> Various errata items requested by the Department and approved by House Finance. See attached errata sheet for detail.</p>	Sheri Rockburn	F	\$4,356,479	\$4,356,479	\$8,712,958
<p><u>Assertive Community Treatment Teams</u> Reduce proposed funding increase for assertive community treatment (ACT) teams by \$1.5 million/year, to fund new Medicaid benefit below. (Governor's budget included \$3 million/year for ACT team infrastructure improvements.)</p>	Sen. Morse / Included in House Finance Recommended Budget	G	(\$1,500,000)	(\$1,500,000)	(\$3,000,000)

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HB 517 Amendment 1851s:					
Section 1, Paragraph I - Designated Receiving Facilities; Residential Beds					
Fund 20 residential beds at designated receiving facilities. Fund in HB 144.	Sen. Morse	G	\$249,894	\$373,040	\$622,934
		F	\$234,802	\$350,400	\$585,202
Section 1, Paragraph II - Transitional/Step Down Beds					
Fund 20 transitional/step down beds in FY 18, and 40 such beds in FY19. Fund in HB 144.		G	\$1,906,078	\$4,210,000	\$6,116,078
		F	\$406,078	\$1,212,000	\$1,618,078
Section 2 - NH Hospital					
Require DHHS to develop a plan to remove the remaining 24 youths from NH Hospital.		N/A	\$0	\$0	\$0
Section 3 - Peer Crisis Respite Beds					
Fund 8 peer crisis respite beds. Fund in HB 144.		G	\$300,000	\$400,000	\$700,000
Section 4 - Mobile Crisis Team and Apartment					
Fund one mobile crisis team and apartments. Assumes January 1, 2018 start date. Fund in HB 144.	Sen. Morse	G	\$1,182,608	\$2,360,848	\$3,543,456
		F	\$315,943	\$1,060,848	\$1,376,791
Section 5 - Integrated Data Management System					
Require DHHS to implement an integrated data management system to provide real-time information about the availability of inpatient psychiatric beds in the state.		N/A	\$0	\$0	\$0

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

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	Contact	SOF	FY 2018	FY 2019	Total
Section 6 - Acute Psychiatric Capacity Evaluation Require an independent evaluation of the capacity of the state's healthcare system to respond to the inpatient, acute care psychiatric needs of patients. Require the commissioner of DHHS to seek non-state general funds for this purpose.		O	\$100,000	\$0	\$100,000
Sections 7-9 - Follow-up to DCYF Review Require a follow-up review to the 2016 study of DCYF. Fund in HB 517		G	\$100,000	\$0	\$100,000
Sections 10-12 - Associate Commissioner to Oversee DCYF Convert existing Division Director position into an Associate Commissioner position to oversee the Division for Children, Youth, and Families. No cost.		N/A	\$0	\$0	\$0
Section 13 - Mental Health Medical Supervisor Establishes an unclassified mental health medical supervisor position. (DHHS has stated the position is to be funded partially by eliminating one part-time position. Position to be eliminated is unknown at this time.)		G	\$0	\$0	\$0
Section 14 - Office of the Child Advocate Establish an Office of the Child Advocate administratively attached to the Department of Health and Human Services. (Will require revisiting the DAS budget if adopted. Costs shown here reflect the costs to DAS, and assume one supervisor position and two other employees.)	Sen. Morse	G	\$210,000	\$210,000	\$420,000
		F	\$140,000	\$140,000	\$280,000
Section 15 - Transfer of DCYF Legal Director to DOJ Transfers the DCYF legal director to the Department of Justice. No fiscal impact.		N/A	\$0	\$0	\$0

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<p><u>Section 16-20 - Child Protection Act</u> Amend various provisions within the Child Protection Act, including the definition of an unfounded report, adding a definition for "serious impairment," and changing the evidentiary standards for abuse and neglect cases by allowing into evidence prior founded or unfounded reports of abuse or neglect in order to establish pattern or course of conduct. DHHS states no fiscal impact.</p>		N/A	\$0	\$0	\$0
<p><u>Section 21 - Medicaid Benefit for Children With Severe Emotional Disturbances.</u> Require DHHS to amend the Medicaid state plan to establish a Medicaid benefit for children with severe emotional disturbances, subject to available funding of \$1.5 million per year general funds and an equivalent federal match. Fund in HB 517.</p>	Sen. Morse	G	\$1,500,000	\$1,500,000	\$3,000,000
		F	\$1,500,000	\$1,500,000	\$3,000,000
<p><u>Additional HB 517 Amendments:</u></p>					
<p><u>Mobile Crisis Units</u> Fund two mobile crisis units assuming October 1, 2017 start date, and allow the Department to seek Fiscal Committee approval for a third. Fund in HB 144. Cost shown here reflects full cost of funding two mobile crisis units. See HB 517 amendment #1883s.</p>	Sen. Feltes	G	\$3,547,824	\$4,721,696	\$8,269,520
		F	\$947,824	\$2,121,696	\$3,069,520
<p><u>Transitional Community and Residential Beds</u> Require 40 transitional and community residential beds in both FY18 and FY19, and allow the Fiscal Committee the option to approve an</p>		G	\$3,812,156	\$4,210,000	\$8,022,156

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additional 20 beds. Fund 40 beds in HB 144. Cost shown here reflects full cost of providing a total of 40 beds in FY18 and FY19. See HB 517 amendment #1908s.		F	\$812,156	\$1,212,000	\$2,024,156
<u>Mental Health Medical Supervisor and Assistant</u> Establish an unclassified mental health medical supervisor, as well an assistant to receive delegation of duties when supervisor is not working. As noted above, the net cost of created an unclassified mental health medical health supervisor has not yet been determined. Estimated cost of creating an assistant position at labor grade 28 is reflected here. Fund in HB 144. See HB 517 amendment #1906s.	Sen. Feltes	G	\$90,000	\$90,000	\$180,000
<u>Review by DHHS Oversight Committee</u> Require the DHHS Oversight Committee to evaluate the effectiveness of mental health measures. See HB 517 amendment #1909s.		N/A	\$0	\$0	\$0
<u>Plan for Statutory Due Process Rights of Certain Patients in Hospital Emergency Rooms</u> Requires the DHHS commissioner to develop a plan to ensure protection of due process rights. See HB 517 amendment 1824s. Recommended to Senate Finance for review by the Senate HHS Committee. Cost, if any, has not yet been determined.	Sen. Bradley		TBD	TBD	TBD

Sen. Morse, Dist 22
May 18, 2017
2017-1892s
01/10

Draft Amendment to HB 517

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 *The process for identification and certification of residential treatment facilities under*
18 *this subparagraph may include consultation with the operators of existing facilities in the*
19 *state about their physical and programmatic capacity and the identification of any*
20 *necessary enhancements in programming or rate structure to develop the resources*
21 *required by this subparagraph.*

22 3 New Section; Limits on Extended Detention. Amend RSA 169-B by inserting after section 16
23 the following new section:

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

1 hold review hearings with the child and counsel present on a weekly basis to determine whether
2 detention continues to be justified.

3 4 Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

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

28 5 New Section; Dispositions and Case Closure in Certain Cases. Amend RSA 169-B by
29 inserting after section 31-b the following new section:

30 169-B:31-c Dispositions and Case Closure in Certain Cases.

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

35 II. In this section, "serious violent offenses" mean first degree murder, second degree
36 murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree
37 assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious

Draft Amendment to HB 517

1 sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery
2 punishable as a class A felony, burglary while armed or involving the infliction of bodily harm
3 under RSA 635:1, II, or arson punishable as a felony.

4 6 Youth Development Center; Releases and Discharges. Amend RSA 621:19, I-a to read as
5 follows:

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

24 7 New Paragraph; Youth Services Center; Releases and Discharges. Amend RSA 621:19 by
25 inserting after paragraph III the following new paragraph:

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

35 8 Alternative Placement Capacity for Youth; Reporting Requirement. In furtherance of the
36 duty of the department of health and human services under RSA 170-G:4 to "[p]rovide services for
37 all children and youth referred to it by the district courts pursuant to RSA 169-B," the commissioner

Draft Amendment to HB 517
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1 shall evaluate the adequacy of the service system and ensure that sufficient alternative placement
2 capacity is in place for those children who are not serious violent offenders who prior to this act
3 would have been placed at the Sununu youth services center. On or before September 1, 2017, a
4 plan for development of such capacity of minors who are not serious violent offenders shall be
5 provided to the fiscal committee of the general court, and the plan shall be updated on a monthly
6 basis until it is fully implemented. The plan shall provide for an increase in the state's capacity for
7 placement in Medicaid-eligible settings of not less than 35 minors who will no longer be eligible for
8 placement at the Sununu youth services center. The increase in capacity of minors who are not
9 serious violent offenders shall be implemented no later than January 1, 2018, and include a rate
10 structure which supports the staffing ratios and other resources necessary for the safe and effective
11 treatment of such children in residential and other treatment settings. The rate structure shall be
12 submitted to the fiscal committee for approval prior to January 1, 2018. 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 9 Sununu Youth Services Center. The commissioner of the department of health and human
16 services, in consultation with the governor's commission on alcohol and drug abuse prevention,
17 treatment, and recovery, established in RSA 12-J, shall redevelop the excess capacity at the Sununu
18 youth services center, to be used for an inpatient and outpatient drug treatment facility for eligible
19 youth. All contracts, plans, and specifications therefor for the redevelopment in this section shall be
20 awarded in accordance with the provisions of RSA 21-I.

21 10 Appropriation; Department of Health and Human Services. The sum of \$2,000,000 is hereby
22 appropriated for the fiscal year ending June 30, 2018 to the department of health and human
23 services for the purpose of funding the construction of an alcohol and drug abuse treatment facility
24 at the Sununu youth services center. This sum shall be a charge against amounts appropriated to
25 accounting unit 05-95-49-491510-2989, governor commission funds, in fiscal year 2017.

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

33 12 Applicability.

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

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

Draft Amendment to HB 517

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

3 IV. RSA 621:19, IV, as inserted by section 7 of this act, shall apply to cases in which a
4 minor is committed to the Sununu youth services center or any successor facility after October 1,
5 2017.

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

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

16 15 Effective Date.

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

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

19 III. Sections 5 and 8 of this act shall take effect upon its passage.

20 IV. Sections 2-3, 6-7, 9, 11 and 12 shall take effect January 1, 2018.

21 V. The remainder of this act shall take effect July 1, 2017.

Draft Amendment to HB 517
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2017-1892s

AMENDED ANALYSIS

Revises the procedures for placement and detention of minors at the Sununu youth services center and other appropriate placements and makes an appropriation therefor.

Sen. Feltes, Dist 15
May 16, 2017
2017-1812s
03/01

Draft Amendment to HB 517

1 Amend the bill by replacing section 78 with the following:

2

3 78 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

4 III. ~~[4-7]~~ 5 percent of the previous fiscal year gross profits derived by the commission from
5 the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund
6 established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total
7 operating revenue minus the cost of sales and services as presented in the state of New Hampshire
8 comprehensive annual financial report, statement of revenues, expenses, and changes in net
9 position for proprietary funds.

Sen. Morse, Dist 22
May 11, 2017
2017-1716s
06/10

Draft Amendment to HB 517

1 Amend the bill by replacing section 78 with the following:

2

3 78 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

4 III. [~~1-7~~] 3.4 percent of the previous fiscal year gross profits derived by the commission from
5 the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund
6 established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total
7 operating revenue minus the cost of sales and services as presented in the state of New Hampshire
8 comprehensive annual financial report, statement of revenues, expenses, and changes in net
9 position for proprietary funds.

Sen. Morse, Dist 22
May 17, 2017
2017-1851s
01/10

Draft Amendment to HB 517

1 1 Designated Receiving Facilities; Residential Beds.

2 I. The commissioner of the department of health and human services shall issue a request

3 for applications (RFA) from qualified vendors to establish up to 20 designated receiving facility beds

4 for up to 2 years. The designated receiving facilities, as defined in RSA 135-C:26, shall service

5 individuals with severe mental illness who meet the criteria for involuntary emergency admission.

6 The RFA shall be issued no later than June 30, 2017.

7 II. The commissioner of the department of health and human services shall issue a request

8 for applications (RFA) from qualified vendors for 20 transitional and community residential beds for

9 the fiscal year ending June 30, 2018 and up to 40 transitional and community residential beds for

10 the fiscal year ending June 30, 2019 with wrap-around services and supports for individuals,

11 prioritizing those who are transitioning from New Hampshire hospital and designated receiving

12 facilities. The RFA shall be issued no later than June 30, 2017 and the housing shall be operational

13 by October 1, 2017.

14 2 Plan Required for Removal of Certain Persons From New Hampshire Hospital. The

15 commissioner of the department of health and human services shall develop a plan to safely remove

16 the remaining 24 youths from the New Hampshire hospital and to ensure that they continue to

17 receive the care they need by November 1, 2017. The commissioner shall make a report relative to

18 the plan which shall be submitted to the speaker of the house of representatives, the president of

19 the senate, the chairs of the house and senate committees having jurisdiction over health and

20 human services, and the governor on or before November 2, 2017.

21 3 Peer Crisis Respite Beds. The commissioner of the department of health and human services

22 shall issue a request for proposals (RFP) from peer support agencies for up to 8 peer crisis respite

23 beds. The RFP shall be issued no later than June 30, 2017.

24 4 Mobile Crisis Teams and Apartments. The commissioner of the department of health and

25 human services shall issue a request for proposals (RFP) for a mobile crisis team and apartments

26 from qualified vendors. The RFP for the mobile crisis team and apartments shall be issued no later

27 than June 30, 2017 and operational no later than January 1, 2018. Any new mobile crisis teams

28 shall be established in geographic locations that have high rates of admissions to and discharges

29 from New Hampshire hospital.

30 5 Integrated Data Management System. The commissioner of the department of health and

31 human services and the commissioner of the department of information technology shall issue a

32 request for proposals (RFP) from vendors to develop and implement an integrated data

Draft Amendment to HB 517**- Page 2 -**

1 management system that provides real-time information about the availability of involuntary and
2 voluntary inpatient psychiatric beds in the state of New Hampshire. The RFP shall be issued no
3 later than September 1, 2017. The system shall be operational no later than January 1, 2018.

4 6 Evaluation Required. The commissioner of the department of health and human services
5 shall issue a request for proposals (RFP) for an independent evaluation of the capacity of the
6 current health system in New Hampshire to respond to the inpatient, acute care psychiatric needs
7 of patients, including, but not limited to, those patients who require involuntary emergency
8 admissions, as defined in RSA 135-C. The commissioner shall seek non-state general funds to pay
9 for the evaluation. The RFP shall be issued no later than June 30, 2017 and the evaluation shall be
10 completed by November 1, 2017.

11 7 Independent Review of the Division for Children, Youth, and Families.

12 I. For the purpose of thoroughly examining the state's policies and practices related to child
13 protection, and as a follow-up to the December 19, 2016 report on the division for children, youth
14 and families by the Center for the Support of Families, the department of health and human
15 services shall hire an independent consultant to perform an independent review of the division for
16 children youth and families. The review and the resulting report shall be completed no later than
17 November 1, 2019.

18 II. The independent consultant shall submit a final report of the independent review to the
19 committee established in section 11 of this act and to the fiscal committee of the general court for
20 transmission to the governor, the speaker of the house of representatives, and the president of the
21 senate.

22 8 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 2018, is hereby
23 appropriated to the department of health and human services for the purpose of conducting the
24 independent review required under section 9 of this act. The governor is authorized to draw a
25 warrant for said sum out of any money in the treasury not otherwise appropriated.
26 Notwithstanding RSA 14:30-a, VI, the department is authorized to accept and expend matching
27 funds for the purposes of section 9 of this act, without prior approval of the fiscal committee.

28 9 Joint Legislative Committee to Examine the Independent Review of the Division for Children,
29 Youth and Families. There is established a committee to examine the independent review of the
30 division for children, youth and families.

31 I. The members of the committee shall be as follows:

32 (a) Three members of the house of representatives, appointed by the speaker of the
33 house of representatives.

34 (b) Three members of the senate, appointed by the president of the senate.

35 II. Members of the committee shall receive mileage at the legislative rate when attending to
36 the duties of the committee.

37 III. The committee shall examine the independent review of the division for children, youth

Draft Amendment to HB 517
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1 and families and assess the state's progress in addressing issues raised by the Center for the
2 Support of Children in the center's report dated December 19, 2016. In consultation with the
3 commissioner of health and human services, the committee shall develop any draft legislation
4 necessary to implement recommendations from the report and review for inclusion in the 2020/2021
5 biennial budget.

6 IV. The members of the study committee shall elect a chairperson from among the
7 members. The first meeting of the committee shall be called by the first-named house member. The
8 first meeting of the committee shall be held within 45 days of the effective date of this section. Four
9 members of the committee shall constitute a quorum.

10 V. The committee shall report its findings and any recommendations for proposed
11 legislation to the speaker of the house of representatives, the president of the senate, the house
12 clerk, the senate clerk, the governor, and the state library on or before July 1, 2020.

13 10 Department of Health and Human Services; Associate Commissioner of Health and Human
14 Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

15 (a) Subject to the approval of the governor and council, the commissioner of health and
16 human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The
17 associate commissioner shall perform such duties as may be assigned by the commissioner, which
18 shall include oversight of the division for children, youth and families and assigned responsibilities
19 of the department under RSA 170-G. The annual salary of the associate commissioner shall be as
20 prescribed in RSA 94:1-a.

21 11 Department of Health and Human Services; Salaries; Reference to Associate Commissioner
22 Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

23 126-A:10 Salaries. The annual salaries of the commissioner of health and human services,
24 deputy commissioner of health and human services, [~~senior division director~~] **associate**
25 **commissioner**, division directors, and unclassified employees of the department shall be as
26 prescribed by RSA 94:1-a.

27 12 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

28 Delete:

29 JJ Department of health and human services senior division director

30 Insert:

31 JJ Department of health and human services associate commissioner

32 13 New Subparagraph; Department of Health and Human Services; Position Established.
33 Amend RSA 126-A:9, I by inserting after subparagraph (b) the following new subparagraph:

34 (c) The commissioner shall appoint an unclassified mental health medical supervisor
35 who shall perform such duties as may be assigned by the commissioner. These duties shall include,
36 but not be limited to, collecting and reporting information regarding patients in need of high acuity
37 mental health treatment and information regarding treatment options. The mental health medical

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1 supervisor shall be clinically qualified to assist in the triage for appropriate inpatient, partial
2 hospitalization, and/or community based services. The mental health medical supervisor shall be a
3 psychiatrist or psychiatric nurse practitioner licensed or qualified to practice in New Hampshire.
4 The salary of the mental health medical supervisor shall be determined after assessment and
5 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position
6 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

7 14 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after section
8 16 the following new subdivision:

Office of the Child Advocate

9
10 170-G:17 Office of the Child Advocate.

11 I. The office of the child advocate shall be an independent agency, administratively
12 attached to the department of administrative services pursuant to RSA 21-G:10.

13 II. The office shall be under the supervision of an unclassified director of the office of the
14 child advocate. The director shall serve a term of 4 years and until a successor is appointed and
15 qualified. Any vacancy in the office shall be filled in the same manner as the original appointment
16 for the remainder of the unexpired term. The director shall be appointed by the governor and
17 council, upon the recommendation of the oversight commission established in RSA 170-G:18. The
18 director shall possess a professional graduate degree in law, social work, public health, or a related
19 field and be qualified by reason of education, experience, and expertise to perform the duties of the
20 office.

21 III. The office of the child advocate shall:

22 (a) Provide independent oversight of the state's child protection system to assure that
23 the best interests of children are being protected.

24 (b) Regularly consult with the department of health and human services and the
25 oversight commission established in RSA 170-G:18.

26 (c) Maintain client confidentiality and the confidentiality of all case records as specified
27 in law.

28 (d) Have access to records within the scope of its mission, except for those records
29 maintained by the department of justice which are part of a pending legal proceeding.

30 (e) Have the ability to subpoena witnesses and/or records.

31 (f) Have the authority to review and investigate any aspect of the department's child
32 protection policies or practices.

33 (g) Provide information and referral services to the public regarding the department's
34 child protection services; provided that case specific complaints shall be handled by the department.

35 (h) Receive a copy of all critical incident reports from the department. The department
36 shall provide the office with a copy of the report not later than 48 hours after the occurrence;
37 provided that any child fatality shall be immediately communicated to the office by phone.

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1 (i) Perform educational outreach and advocacy activities in furtherance of the mission
 2 and responsibilities of the office.

3 (j) Investigate and report on issues related to child protection upon the request of the
 4 governor, commissioner of health and human services, speaker of the house of representatives,
 5 senate president, or oversight commission.

6 IV. Beginning November 1, 2017, and each November 1 thereafter, the director of the office
 7 of the child advocate shall submit an annual report of its activity, findings, and recommendations to
 8 the commissioner of the department of health and human services, the governor, the speaker of the
 9 house of representatives, the senate president, and the state library.

10 170-G:18 Oversight Commission on Children's Services and Juvenile Justice Established.

11 I. There shall be an oversight commission on children's services and juvenile justice, which
 12 shall consist of the following members:

13 (a) Two members of the senate, appointed by the senate president.

14 (b) Two members of the house of representatives, appointed by the speaker of the house
 15 of representatives.

16 (c) Four members representing the executive branch, appointed by the governor.

17 (d) Two members representing the judicial branch, appointed by the chief justice of the
 18 supreme court.

19 (e) Two representatives of the New Hampshire Association of Chiefs of Police, one of
 20 whom serves as chief of police for a city and one of whom serves as chief of police for a town.

21 (f) Four members of child advocacy organizations, appointed by the governor.

22 II. Legislative members of the commission shall serve a term coterminous with their term
 23 in office. Members appointed under subparagraphs (c)-(f) shall serve 3-year terms. Legislative
 24 members of the commission shall receive mileage at the legislative rate when attending to the
 25 duties of the commission.

26 III. The oversight commission shall:

27 (a) Recommend at least 3 qualified candidates to the governor for appointment as
 28 director of the office of the child advocate; except that in the case of reappointment, a single
 29 recommendation shall be sufficient.

30 (b) Provide oversight to the department of health and human services and the office of
 31 the child advocate to support an effective, comprehensive, and coordinated system of services and
 32 programs for children, youth, and families.

33 (c) Analyze the efficacy of selected programs and services of the department, including
 34 the characteristics of target populations, trends affecting program costs and participation, and
 35 alternative approaches to programmatic and administrative concerns.

36 (d) Collaborate with the department of health and human services and the office of the
 37 child advocate to identify and implement best practices on behalf of children and families.

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1 (e) Monitor and review implementation of the memorandum of understanding entered
2 into by the department of health and human services and the department of justice regarding the
3 collaboration between the 2 departments in the department of health and human services'
4 investigation and prosecution of abuse and neglect cases.

5 IV. The oversight commission shall elect a chairperson from among the members. The first
6 meeting of the commission shall be called by the first-named senate member. The first meeting of
7 the commission shall be held within 45 days of the effective date of this section. Four members of
8 the commission shall constitute a quorum.

9 V. Not later than November 1, 2017 and May 1, 2018, and not later than each November 1
10 thereafter, the commission shall submit a report of its activity, findings, and any recommendations
11 for proposed legislation to the commissioner of the department of health and human services, the
12 director of the office of the child advocate, the president of the senate, the speaker of the house of
13 representatives, the senate clerk, the house clerk, the governor, and the state library.

14 15 Department of Health and Human Services; Director of Legal Services; Memorandum of
15 Understanding between the Department of Health and Human Services and the Department of
16 Justice.

17 I. On the effective date of this section, the director of legal services, position number 9U468,
18 shall be physically located in the department of justice. The director of legal services shall be under
19 the supervision of the attorney general and shall be responsible for the supervision of all attorneys
20 in the department of health and human services, division for children, youth and families. Funding
21 for the position shall remain with the department of health and human services.

22 II.(a) On or before August 1, 2017, the commissioner of the department of health and
23 human services and the attorney general of the department of justice shall enter into a
24 memorandum of understanding that provides for the ongoing communication and collaboration by
25 and between the 2 departments in connection with the department of health and human services'
26 investigation and prosecution of abuse and neglect cases. The memorandum of understanding
27 shall:

28 (1) Provide for joint case consultation, oversight, and review of the department of
29 health and human services, division for children, youth and families cases in appropriate instances;

30 (2) Outline the roles and responsibilities of each agency in the prosecution of these
31 cases; and

32 (3) Establish a process to address any identified training needs for the division for
33 children, youth and families attorneys, including, but not limited to, monthly meetings with the
34 department of justice and supervisory attorneys representing the division for children, youth and
35 families and quarterly meetings with the department of justice and all attorneys representing the
36 division for children, youth and families.

37 (b) The department of health and human services, in collaboration with the department

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1 of justice, shall provide an interim report on or before December 31, 2017 and an annual report
2 beginning on or before June 30, 2018, to the oversight commission on children's services and
3 juvenile justice established in RSA 170-G:18 regarding implementation and progress under the
4 memorandum of understanding. The report shall address whether additional attorney positions in
5 the division for children, youth and families should be transferred to the department of justice.

6 16 Child Protection Act; Purpose. Amend RSA 169-C:2 to read as follows:
7 169-C:2 Purpose.

8 I. It is the *primary* purpose of this chapter, through the mandatory reporting of suspected
9 instances of child abuse or neglect, to provide protection to children whose life, health or welfare is
10 endangered. ~~and~~

11 *II. It is a further purpose of this chapter* to establish a judicial framework to protect the
12 rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming
13 within the provisions of this chapter shall receive, preferably in ~~his~~ *the child's* own home, the
14 care, emotional security, guidance, and control that will promote the child's best interest; and, if the
15 child should be removed from the control of his *or her* parents, guardian, or custodian, adequate
16 care shall be secured for the child. This chapter seeks to coordinate efforts by state and local
17 authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned
18 individuals, to:

- 19 (a) Protect the safety of the child.
- 20 (b) ~~Preserve the unity of the family whenever possible.~~
- 21 ~~Provide assistance to parents to deal with and correct problems in order to avoid~~
22 ~~removal of children from the family.~~
- 23 ~~Take such action as may be necessary to prevent abuse or neglect of children.~~
- 24 ~~Provide protection, treatment, and rehabilitation, as needed, to children placed in~~
25 ~~alternative care.] Take such action as may be necessary to prevent the abuse or neglect of~~
26 *children.*
- 27 (c) *Preserve the unity of the family.*
- 28 (d) *Provide protection, treatment, and rehabilitation, as needed, to children*
29 *placed in alternative care.*
- 30 (e) *Provide assistance to parents to deal with and correct problems in order to*
31 *avoid removal of children from the family.*

32 ~~II.] III.~~ This chapter shall be liberally construed to the end that its purpose may be carried
33 out, to wit:

- 34 (a) To encourage the mental, emotional, and physical development of each child coming
35 within the provisions of this chapter, by providing ~~him~~ *the child* with the protection, care,
36 treatment, ~~counselling~~ *counseling*, supervision, and rehabilitative resources which ~~he~~ *the child*
37 needs and has a right to receive.

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1 (b) To achieve the foregoing purposes and policies, whenever possible, by keeping a
2 child in contact with his *or her* home community and in a family environment by preserving the
3 unity of the family and separating the child from his *or her* parents only when the safety of the
4 child is in danger or when it is clearly necessary for ~~his~~ *the child's* welfare or the interests of the
5 public safety and when it can be clearly shown that a change in custody and control will plainly
6 better the child; and

7 (c) To provide effective judicial procedures through which the provisions of this chapter
8 are executed and enforced and which recognize and enforce the constitutional and other rights of
9 the parties and assures them a fair hearing.

10 17 Child Protection Act; Definitions. Amend RSA 169-C:3, XIX(a)-(b) to read as follows:

- 11 (a) Who has been abandoned by his *or her* parents, guardian, or custodian; or
- 12 (b) Who is without proper parental care or control, subsistence, education as required
13 by law, or other care or control necessary for ~~his~~ *the child's* physical, mental, or emotional health,
14 when it is established that ~~his~~ *the child's* health has suffered or is ~~very~~ likely to suffer serious
15 impairment; and the deprivation is not due primarily to the lack of financial means of the parents,
16 guardian, or custodian; or

17 18 Child Protection Act; Definitions. Amend RSA 169-C:3, XXVII-a and XXVIII to read as
18 follows:

19 XXVII-a. *"Serious impairment" means a substantial weakening or diminishment of*
20 *a child's emotional, physical, or mental health or of a child's safety and general well-*
21 *being. The following circumstances shall be considered in determining the likelihood that*
22 *a child may suffer serious impairment:*

- 23 (a) *The age and developmental level of the child.*
- 24 (b) *Any recognized mental, emotional, or physical disabilities.*
- 25 (c) *School attendance and performance.*
- 26 (d) *The child's illegal use of controlled substances, or the child's contact with*
27 *other persons involved in the illegal use or sale of controlled substances or the abuse of*
28 *alcohol.*
- 29 (e) *Exposure to incidents of domestic or sexual violence.*
- 30 (f) *Any documented failure to thrive.*
- 31 (g) *Any history of frequent illness or injury.*
- 32 (h) *Findings in other proceedings.*
- 33 (i) *The condition of the child's place of residence.*
- 34 (j) *Assessments or evaluations of the child conducted by qualified professionals.*
- 35 (k) *Such other factors that may be determined to be appropriate or relevant.*

36 XXVII-b. "Sexual abuse" means the employment, use, persuasion, inducement, enticement,
37 or coercion of any child to engage in, or having a child assist any other person to engage in, any

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1 sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual
 2 depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation
 3 of children, or incest with children. With respect to the definition of sexual abuse, the term "child"
 4 or "children" means any individual who is under the age of 18 years.

5 XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the
 6 department [~~finds~~] **determines** that there is [~~no probable cause to believe~~] **insufficient evidence**
 7 **to substantiate a finding** that the child is abused or neglected.

8 19 Determination of Parental Rights and Responsibilities. Amend RSA 461-A:6, IV(b) to read
 9 as follows:

10 (b) In this paragraph, "sexual abuse" shall mean sexual abuse as defined in RSA 169-
 11 C:3, [~~XXVII-a~~] **XXVII-b**, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2,
 12 RSA 632-A:3, and RSA 632-A:4.

13 20 Child Protection Act; Evidence. Amend RSA 169-C:12 to read as follows:

14 169-C:12 Evidence. In any hearing under this chapter, the court shall not be bound by the
 15 technical rules of evidence and may admit evidence which it considers relevant and material.
 16 **Evidence of prior founded or unfounded reports of abuse or neglect shall be admissible in**
 17 **proceedings under this chapter in order to establish a relevant pattern or course of**
 18 **conduct.**

19 21 New Section; Public Assistance; Home and Community Based Behavioral Health Services
 20 Program. Amend RSA 167 by inserting after section 3-j the following new section:

21 167:3-k Home and Community-Based Behavioral Health Services for Children.

22 I. The department shall establish a Medicaid home and community-based behavioral health
 23 services program for children with severe emotional disturbances whose service needs cannot be
 24 met through traditional behavioral health services. The department may establish such services
 25 through a state plan amendment as provided in Section 1915(i) of the Social Security Act or a
 26 waiver under other provisions of the Act. If the department proceeds with a waiver, it shall not
 27 limit the geographic availability of services. Such services shall include the following services or
 28 their functional equivalent:

- 29 (a) Wraparound care coordination.
- 30 (b) Wraparound participation.
- 31 (c) In home respite care.
- 32 (d) Out of home respite care.
- 33 (e) Customizable goods and services.
- 34 (f) Family peer support.
- 35 (g) Youth peer support.

36 II. The services provided under this section shall be subject to available funds.

37 22 Appropriation. The sum of \$1,500,000 for the fiscal year ending June 30, 2018 and the sum

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1 of \$1,500,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of
2 health and human services for the purposes of section 21 of this act. Notwithstanding RSA 14:30-a,
3 VI, the department is hereby authorized to accept and expend matching federal funds for the
4 purposes of this section 21 of this act, without prior approval of the fiscal committee. The governor
5 is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
6 appropriated.

7 23 Effective Date. This act shall take effect upon its passage.

Draft Amendment to HB 517**- Page 11 -**

2017-1851s

AMENDED ANALYSIS

1. Requires the commissioner of the department of health and human services to issue certain requests for applications and requests for proposals.
2. Replaces the position of senior division director with the position of associate commissioner, whose responsibilities shall include oversight of the division for children, youth, and families.
3. Establishes the position of mental health medical supervisor in the department of health and human services, requires the position of director of legal services to be physically located in the department of justice, and requires the 2 departments to enter into a memorandum of understanding regarding abuse and neglect cases.
4. Establishes an independent office of the child advocate and an oversight commission on children's services and juvenile justice.
5. Amends the purpose of the child protection act.
6. Amends the definition of an unfounded report by replacing "no probable cause to believe" with "insufficient evidence to substantiate a finding."
7. Inserts a definition of "serious impairment."
8. Amends the evidentiary standards for abuse and neglect cases by allowing into evidence prior founded or unfounded reports of abuse or neglect in order to establish pattern or course of conduct.
9. Directs the department of health and human services to establish a Medicaid home and community-based behavioral health services program for children with severe emotional disturbances and makes an appropriation therefor.

Sen. Feltes, Dist 15
May 18, 2017
2017-1883s
05/01

Draft Amendment to HB 517

1 1 Mobile Crisis Teams and Apartments. The commissioner of the department of health and
2 human services shall issue a request for proposals (RFP) for 2 mobile crisis teams and apartments
3 from qualified vendors. The RFP for the mobile crisis teams and apartments shall be issued no later
4 than June 30, 2017 and operational no later than October 1, 2017. Upon approval by the joint fiscal
5 committee of the general court by December 1, 2017, an RFP for a third mobile crisis team and
6 apartment may be issued. Any new mobile crisis teams shall be established in geographic locations
7 that have high rates of admissions to and discharges from New Hampshire hospital.

Sen. Fuller Clark, Dist 21
Sen. Hennessey, Dist 5
Sen. Feltes, Dist 15
May 18, 2017
2017-1908s
03/01

Draft Amendment to HB 517

1 1 Transitional and Community Residential Beds; Request for Applications. The commissioner
2 of the department of health and human services shall issue a request for applications (RFA) from
3 qualified vendors for up to 40 transitional and community residential beds with wrap-around
4 services and supports for individuals, prioritizing those who are transitioning from New Hampshire
5 hospital and designated receiving facilities. The RFA shall be issued no later than June 30, 2017
6 and the housing shall be operational by October 1, 2017. Upon approval by the joint fiscal
7 committee of the general court by December 1, 2017, an RFA for an additional 20 transitional and
8 community residential beds may be issued.

Sen. Feltes, Dist 15
May 18, 2017
2017-1906s
01/03

Draft Amendment to HB 517

1 1 New Subparagraph; Department of Health and Human Services; Position Established.
2 Amend RSA 126-A:9, I by inserting after subparagraph (b) the following new subparagraph:

3 (c) The commissioner shall appoint an unclassified mental health medical supervisor
4 who shall perform such duties as may be assigned by the commissioner. These duties shall include,
5 but not be limited to, collecting and reporting information regarding patients in need of high acuity
6 mental health treatment and information regarding treatment options. The mental health medical
7 supervisor shall be clinically qualified to assist in the triage for appropriate inpatient, partial
8 hospitalization, and/or community based services. The mental health medical supervisor shall be a
9 psychiatrist or psychiatric nurse practitioner licensed or qualified to practice in New Hampshire.
10 The salary of the mental health medical supervisor shall be determined after assessment and
11 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position
12 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

13 2 Department of Health and Human Services, Classified Position Established. The following
14 classified position is hereby established to receive delegation of duties from, and support the mental
15 health medical supervisor, established in RSA 126-A:9, I(c):
16 Nurse Practitioner (APRN), at labor grade 28

Sen. Feltes, Dist 15
May 18, 2017
2017-1909s
03/01

Draft Amendment to HB 517

- 1 1 Review by Oversight Committee. The oversight committee on health and human services,
- 2 established in RSA 126-A:13, shall review and evaluate whether measures taken in accordance with
- 3 the provisions of this act have:
- 4 I. Reduced the waiting list for New Hampshire hospital.
- 5 II. Resulted in the referral and receipt of mental health services at the appropriate level of
- 6 care and in a timely manner.
- 7 III. Improved the responsiveness of the state, payers, and providers to customer needs with
- 8 respect to mental health services.
- 9 IV. Enhanced the authority and role of the mental health medical supervisor.

Sen. Bradley, Dist 3
May 16, 2017
2017-1824s
01/04

Draft Amendment to HB 517

1 1 Plan Required for Statutory Due Process Rights of Certain Patients in Hospital Emergency
2 Rooms or Other Facilities. The commissioner of the department of health and human services shall
3 develop a plan with recommendations to ensure timely protection of the statutory and due process
4 rights of patients subject to the involuntary emergency admissions process of RSA 135-C who are
5 awaiting transfer to a designated receiving facility. The recommendations shall provide for judicial
6 review on a schedule consistent with the statutorily required schedule for persons who have been
7 admitted to a designated receiving facility. The commissioner shall consult with representatives of
8 the American Civil Liberties Union of New Hampshire, New Hampshire Hospital Association, the
9 New Hampshire Medical Society, the New Hampshire Psychiatric Society, the superior court
10 system, the New Hampshire Bar Association, the National Alliance on Mental Illness, and the
11 Disability Rights Center-NH. The plan shall be submitted to the oversight committee on health and
12 human services, established in RSA 126-A:13, for approval as soon as practicable. The
13 commissioner shall make a report relative to the plan which shall be submitted to the speaker of the
14 house of representatives, the president of the senate, and the governor on or before September 1,
15 2017.

05/17/17

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET					
Division of Community Based Care					
	Contact	SOF	FY 2018	FY 2019	Total
No Change.	Sheri Rockburn				

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

Division of Developmental Services

	Contact	SOF	FY 2018	FY 2019	Total
<p>Medicaid to Schools House Finance amendment reduces the Medicaid to Schools program to \$1/year, with the expectation that the Department will seek Fiscal and G&C approval in FY18 to accept and expend federal funding.</p>	Included in House Finance Recommended Budget	F	(\$35,035,034)	(\$35,035,034)	(\$70,070,068)
<p>Fully Fund DD Waitlist Fully fund the developmental disabilities waitlist.</p>	Sen. D'Allesandro/ Sen. Feltes	G	\$8,305,819	\$10,698,622	\$19,004,441
		F	\$8,305,819	\$10,698,622	\$19,004,441
<p>DD Waitlist Class Notes Replace the existing class note in AU 05-95-93-9300, Developmental Services, class 502, Payments to Providers, with the following: "This appropriation shall not lapse until June 30, 2019, and may not be transferred for any other purpose." Add a new class note to AU 05-95-93-9300-7100, Developmental Services, class 502, Payments to Providers, to read as follows: "In the event that expenditures are greater than the amounts appropriated, the Department of Health and Human Services may request, with prior authorization of the Fiscal Committee, that the Governor and Council authorize additional general funds not to exceed \$4,000,000 in each year of the biennium. Upon approval, the governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated."</p>	Senator Morse	N/A	\$0	\$0	\$0

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

Human Services

	Contact	SOF	FY 2018	FY 2019	Total	
Child and Family Services Reduce general funds and replace with federal TANF funds.	Included in House Finance Proposed Budget	G	(\$1,100,000)	(\$1,100,000)	(\$2,200,000)	
		F	\$1,100,000	\$1,100,000	\$2,200,000	
Child Development Program Reduce general funds and replaces with federal TANF funds.		G	(\$2,891,908)	(\$2,891,908)	(\$5,783,816)	
		F	\$2,891,908	\$2,891,908	\$5,783,816	
Sununu Youth Services Center Reduce SYSC budget, consistent with House Finance reductions. Include language authorizing DHHS to utilize funds in the Governor's Commission for SYSC and drug and alcohol treatment sub-program. See HB 517 amendment 1892s.	Sen. Morse	G	(\$633,969)	(\$5,059,113)	(\$5,693,082)	
		F	(\$239,600)	(\$179,700)	(\$419,300)	
		O	(\$131,368)	(\$740,496)	(\$871,864)	
Child and Family Services Fund provider rate increases and additional beds to allow for community placement of a portion of the SYSC-eligible population. Consistent with House Finance funding level. See HB 517 amendment 1892s.		G	\$1,367,272	\$2,990,044	\$4,357,316	
		F	\$1,367,272	\$2,990,044	\$4,357,316	
DCYF Provider Rates Amend section 85 of HB 517 to allows for a rate increase to DCYF providers (including those serving the SYSC-eligible population), within the constraints of available appropriations. See HB 517 amendment #1905s.		N/A	\$0	\$0	\$0	
DCYF Employee Training Reduce funding for employee training in FY19, on the theory that most training for new employees would take place in FY18 and less would be needed in subsequent years. Consistent with House Finance reduction.		Included in House Finance Proposed Budget	G	\$0	(\$400,000)	(\$400,000)

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET					
Human Services					
	Contact	SOF	FY 2018	FY 2019	Total
Miscellaneous Errata Various errata requested by the Department and approved by House Finance. See errata sheet for detail.	Included in House Finance Proposed Budget	G	\$0	\$0	\$0
		F	\$101,434	\$101,434	\$202,868
		O	\$43,131	\$43,131	\$86,262
DCYF Staff Fund four new child protective service worker positions starting in FY18, and an additional four such positions starting in FY19.	Sen. Feltes	G	\$148,605	\$297,210	\$445,815
		F	\$97,023	\$194,046	\$291,069
Domestic Violence Crisis Centers Appropriate \$500,000/year for the purpose of funding domestic violence crisis centers.	Sen. Feltes / Sen. D'Allesandro	G	\$500,000	\$500,000	\$1,000,000
Domestic Violence Crisis Centers Appropriate \$250,000/year for the purpose of funding domestic violence crisis centers.	Sen. Daniels	G	\$250,000	\$250,000	\$500,000
HB 517:	Contact	SOF	FY 2018	FY 2019	Total
DCYF Advisory Board Amend statute to clarify that legislative members' terms shall be coterminous with their terms in office. See HB 517 amendment #1739s.	Sen. Reagan	N/A	\$0	\$0	\$0

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

Human Services

	Contact	SOF	FY 2018	FY 2019	Total
<p><u>Child Protection Act; "Unfounded With Concern" Cases</u> Establish category of cases known as "unfounded but with reasonable concern." Recommended for Senate Finance review by the Senate Health and Human Services Committee. See HB 517 amendment #1827s. The costs shown here are those anticipated by DHHS as a result of the amendment, and include the reinstatement of voluntary services to families with cases labeled unfounded with concern, as well as the cost to provide "appropriate community-based ameliorative services" as directed by the amendment. Sen. Bradley is the sponsor of the HB 517 amendment, and Sen. Feltes is proposing funding in HB 144 for the reinstatement of voluntary services.</p>	Sen. Bradley / Sen. Feltes	Voluntary Services:			
		G	\$1,260,000	\$1,260,000	\$2,520,000
		F	\$1,260,000	\$1,260,000	\$2,520,000
		Community-Based Ameliorative Services:			
		G	\$972,000	\$972,000	\$1,944,000
		F	\$972,000	\$972,000	\$1,944,000

Sen. Morse, Dist 22
May 18, 2017
2017-1905s
01/03

Draft Amendment to HB 517

- 1 1 Department of Health and Human Services; Division for Children, Youth, and Families.
- 2 I. For the biennium ending June 30, 2019, the rates for services, placements, and programs
- 3 that are payable by the department pursuant to RSA 169-B:40, RSA 169-C:27, and RSA 169-D:29
- 4 may be increased provided that total expenditures do not exceed the appropriations for these
- 5 services contained within the operating budget for fiscal year 2018 and fiscal year 2019.
- 6 II. Notwithstanding paragraph I, upon the department's implementation of managed care,
- 7 the rate of reimbursement for Medicaid eligible services and programs for a Medicaid eligible child
- 8 shall be the rate agreed to by the provider and the managed care organization.

Sen. Reagan, Dist 17
May 11, 2017
2017-1739s
05/06

Draft Amendment to HB 517

1 1 Advisory Board on Services for Children, Youth, and Families; Legislative Members. Amend
2 RSA 170-G:6-a, I to read as follows:

3 I. There is hereby established a board to advise the department of health and human
4 services on services for children, youth, and families. The board shall consist of 12 members and
5 such additional members as may be necessary to comply with federal regulations for the acceptance
6 of federal funds or to ensure representation of every county. Each member shall serve a term of 3
7 years; ***provided that legislative members shall serve a term coterminous with their term in***
8 ***office.*** A member shall continue to serve until a successor is appointed in the same manner as the
9 original appointment. The board shall be representative of persons from community youth service
10 agencies; from the juvenile justice field, such as law enforcement, probation, police, courts, and
11 attorneys; and from appropriate professional fields such as psychology, social services, education,
12 and health. Members of the board shall serve without compensation but shall receive mileage
13 payments at the state employee rate within the limits of funds appropriated to the department.

14 2 Advisory Board on Services for Children, Youth, and Families; Legislative Members. Amend
15 RSA 170-G:6-a, II(b) and (c) to read as follows:

16 (b) The senate president shall appoint 4 members, no 2 of whom shall be from the same
17 county, and one of whom shall be from a family that has been affected by the department of ***health***
18 ***and human services, division for*** children, youth and families.

19 (c) The speaker of the house shall appoint 4 members, no 2 of whom shall be from the
20 same county, and one of whom shall be from a family that has been affected by the department of
21 ***health and human services, division for*** children, youth and families.

Sen. Bradley, Dist 3
May 16, 2017
2017-1827s
05/03

Draft Amendment to HB 517

1 1 Child Protection Act; Definitions; Founded Report. Amend RSA 169-C:3, XIII-a to read as
2 follows:

3 XIII-a. "Founded report" means a report made pursuant to this chapter for which the
4 department finds [~~probable cause to believe~~] **by a preponderance of the evidence** that the child
5 who is the subject of such report is abused or neglected.

6 2 New Paragraph; Child Protection Act; Definition of Unfounded but with Reasonable Concern.
7 Amend RSA 169-C:3 by inserting after paragraph XXVIII the following new paragraph:

8 XXIX. A report that is "unfounded but with reasonable concern" means a report made
9 pursuant to this chapter for which the department determines that there is probable cause to
10 believe the child was abused or neglected, but for which there is insufficient evidence to establish by
11 a preponderance of the evidence that the child was abused or neglected.

12 3 Child Protection Act; Duties of the Department of Health and Human Services;
13 Administrative Review and Letter of Concern; When Required. Amend RSA 169-C:34, II to read as
14 follows:

15 II. For each report it receives, the department shall promptly perform a child protective
16 investigation to:

17 ~~[(i)]~~ (a) Determine the composition of the family or household, including the
18 name, address, age, sex, and race of each child named in the report, and any siblings or other
19 children in the same household or in the care of the same adults, the parents or other persons
20 responsible for their welfare, and any other adults in the same household;

21 ~~[(ii)]~~ (b) **Determine whether any person in the same family or**
22 **household was named in a prior report of abuse or neglect, and, if there are 2 or more**
23 **prior unfounded reports involving any family or household member, conduct an**
24 **administrative review of all identified reports;**

25 (c) Determine whether there is probable cause to believe that any child in the family or
26 household is abused or neglected, including a determination of harm or threatened harm to each
27 child, the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof,
28 and a determination of the person or persons apparently responsible for the abuse or neglect;

29 ~~[(iii)]~~ (d) Determine the immediate and long-term risk to each child if the
30 child remains in the existing home environment; and

31 ~~[(iv)]~~ (e) Determine the protective treatment, and ameliorative services that
32 appear necessary to help prevent further child abuse or neglect and to improve the home

Draft Amendment to HB 517

- Page 2 -

1 environment and the parents' ability to adequately care for the children.

2 *II-a. The department may issue a confidential letter of concern to a person or*
3 *persons apparently responsible for the reported abuse or neglect advising that although*
4 *there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded*
5 *but with reasonable concern, the department believes the person or persons should take*
6 *certain specific steps including accessing specific ameliorative services, which, if not*
7 *taken, may put the child at risk of being abused or neglected. Prior to issuing a*
8 *confidential letter of concern, the department shall either refer the minor and the minor's*
9 *family to ameliorative services or offer voluntary services pursuant to paragraph V.*
10 *Thirty days, but not longer than 60 days, after issuing a confidential letter of concern, the*
11 *department shall contact the family or household to facilitate accessing the ameliorative*
12 *services offered or referred to them.*

13 *II-b. The department may make a determination of unfounded but with reasonable*
14 *concern. Upon making such a determination, the department shall provide appropriate*
15 *community based ameliorative services to the child or family for a period of up to 180*
16 *days.*

17 4 Duties of the Department. Amend RSA 169-C:34, VII to read as follows:

18 VII. If the child's parents refuse to allow a social worker or state employee on their
19 premises as part of the department's investigation, and the department has probable cause to
20 believe that the child has been [~~sexually molested, sexually exploited, intentionally physically~~
21 ~~injured so as to cause serious bodily injury, physically injured by other than accidental means so as~~
22 ~~to cause bodily injury, a victim of a crime, abandoned,]~~ **abused** or neglected, the department shall
23 seek a court order to enter the premises. If the court finds probable cause to believe that the child
24 has been abused or neglected [~~in the manner described in this paragraph~~], the court shall issue an
25 order permitting a police officer, juvenile probation and parole officer, or child protection service
26 worker to enter the premises in furtherance of the department's investigation and to assess the
27 child's immediate safety and well-being. Any juvenile probation and parole officer or child
28 protection service worker who serves or executes a motion to enter issued under this paragraph
29 shall be accompanied by a police officer.

30 5 Records Management of Abuse and Neglect Reports. Amend RSA 169-C:35-a, III to read as
31 follows:

32 III. The department shall retain a founded report **or unfounded but with reasonable**
33 **concern report** for 7 years from the date that the department closes the case, after which time, the
34 department shall delete or destroy all electronic and paper records of the report.

35 6 Effective Date. This act shall take effect upon its passage.

Draft Amendment to HB 517**- Page 3 -**

2017-1827s

AMENDED ANALYSIS

Insert:

1. Requires a founded report of abuse and neglect to be based on a preponderance of the evidence, inserts a definition of "unfounded but with reasonable concern," and permits the department of health and human services to issue a confidential letter of concern and provide a referral to community based services in appropriate cases.

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

DHHS - Office of the Commissioner

	Contact	SOF	FY 2018	FY 2019	Total
<u>Provider Rate Increases</u> The governor's recommended budget included \$10m per year (\$5m general funds) for rate increases for providers.	Sheri Rockburn	N/A	\$0	\$0	\$0
<u>Legal Services</u> Unfund three vacant attorney positions and fund two paralegal positions, one of which is new. Included in House Finance recommended budget.	Included in House Finance Recommended Budget	G	(\$66,420)	(\$68,992)	(\$135,412)
		F	(\$66,420)	(\$68,992)	(\$135,412)
<u>Information Technology</u> Keep the IT function within DHHS, rather than transferring to DOIT as proposed in the governor's budget. Net \$0 impact. Included in House Finance recommended budget.		N/A	\$0	\$0	\$0
<u>Miscellaneous Errata</u> Errata items requested of Senate Finance by DHHS. See errata sheet for detail.	New Agency Request of Senate Finance / Sheri Rockburn	G	\$35,612	\$37,008	\$72,620
		F	\$22,768	\$23,661	\$46,429
HB 517:					
<u>Unfunded Positions</u> Authorize the Department to fill unfunded positions throughout the biennium. See HB 517 amendment 1902s.	Sheri Rockburn/ Sen. Daniels	N/A	\$0	\$0	\$0
<u>Laconia Designated Receiving Facility</u> Require the DHHS commissioner to develop a plan to relocate the individuals at the Laconia DRF by June 30, 2021. The plan shall be submitted by September 1, 2019. See HB 517 amendment 1595s.	Sen. Morse	N/A	\$0	\$0	\$0

Sen. Daniels, Dist 11
May 18, 2017
2017-1902s
01/03

Draft Amendment to HB 517

1 1 Unfunded Positions; Authorization. Notwithstanding any other provision of law to the
2 contrary, the commissioner of the department of health and human services may fill unfunded
3 positions during the biennium ending June 30, 2019, provided that the total expenditure for such
4 positions shall not exceed the amount appropriated for personal services.

Sen. Morse, Dist 22
May 1, 2017
2017-1595s
05/04

Draft Amendment to HB 517

1 1 Designated Receiving Facility for Persons with Developmental Disabilities on the Grounds of
2 the Laconia State School Property; Plan for Relocation Required. The commissioner of the
3 department of health and human services shall develop a plan to relocate the individuals with
4 developmental disabilities currently placed at the designated receiving facility on the grounds of the
5 Laconia state school property by June 30, 2021. The plan shall be submitted to the speaker of the
6 house of representatives, the president of the senate, and the governor on or before September 1,
7 2019, with the intention that it be implemented during the biennium ending June 30, 2021.

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET

Office of Medicaid Business and Policy

	Contact	SOF	FY 2018	FY 2019	Total
Drug Rebate Revenue Assume an additional \$3m/year of drug rebate revenue on top of what was included in the governor's budget, saving \$3m/year of general funds.	Included in House Finance Recommended Budget	G	(\$3,000,000)	(\$3,000,000)	(\$6,000,000)
		O	\$3,000,000	\$3,000,000	\$6,000,000
Medicaid Caseload Reduction Assume a 2% caseload reduction in FY18, rather than the 1% assumed in the governor's budget. Assume no caseload reduction in FY19.		G	(\$2,770,000)	(\$2,770,000)	(\$5,540,000)
		F	(\$2,770,000)	(\$2,770,000)	(\$5,540,000)
UNH Federal Claiming Reduce federal funds by \$150,000/year, consistent with Department testimony that these funds are not needed.		F	(\$150,000)	(\$150,000)	(\$300,000)
HB 517:	Contact	SOF	FY 2018	FY 2019	Total
Prior Authorization Establishes a prior authorization process for drugs prescribed to treat mental illness. See HB 517 amendment #1791s.	Sen. Feltes	N/A	\$0	\$0	\$0
Special Medicaid Representatives; CMS Approval Remove requirement that DHHS commissioner seek and have in place CMS approval by December 31, 2016. See HB 517 amendment #1894s.	Sen. Morse	N/A	\$0	\$0	\$0

Sen. Feltes, Dist 15
May 16, 2017
2017-1791s
01/10

Draft Amendment to HB 517

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.

Sen. Morse, Dist 22
May 18, 2017
2017-1894s
06/03

Draft Amendment to HB 517

1 1 Special Medicaid Representatives; Applicability. Amend 2016, 265:2 to read as follows:
2 265:2 Applicability. The implementation of RSA 151-I as inserted by section 1 of this act shall
3 be subject to written approval by the Centers for Medicare and Medicaid Services. If required, the
4 commissioner of the department of health and human services shall develop and prepare
5 amendments to the state Medicaid plan for submission and approval to the Centers for Medicare
6 and Medicaid Services (CMS). ~~[The commissioner shall seek and have in place approval from the~~
7 ~~CMS by December 31, 2016.]~~ The commissioner shall certify the date of approval to the secretary of
8 state and the director of legislative services.

SENATE FINANCE COMMITTEE - 2017 BUDGET RECAP SHEET					
Division of Public Health					
	Contact	SOF	FY 2018	FY 2019	Total
Vaccine Program Remove revolving funds from budget. Fund is nonlapsing and continually appropriated.	Included in House Finance Recommended Budget	O	(\$16,000,000)	(\$16,000,000)	(\$32,000,000)
Miscellaneous Errata (House Phase) Various errata items approved by House Finance and requested by DHHS. See attached errata sheet for detail.		G	(\$40,001)	(\$39,999)	(\$80,000)
		F	\$2,620,762	\$1,688,173	\$4,308,935
		O	(\$33,442)	(\$33,442)	(\$66,884)
STD Testing and Prevention Appropriate \$200,000/year to account 05-95-90-9025-7536, STD/HIV Prevention, and add the following footnote: "Of the amounts appropriated herein, \$200,000 per year shall be used to support and expand testing and referral community contracts in the NH STD program in Hillsborough, Merrimack, Rockingham, and Strafford counties."	Sen. D'Allesandro / Sen. Feltes	G	\$200,000	\$200,000	\$400,000
HB 517:					
Lead Remediation Incorporate SB 247 (lead remediation) in its entirety into HB 517. See HB 517 amendment #1823s.	Sen. Feltes	G	\$3,000,000	\$3,000,000	\$6,000,000
Family Planning; Continuity of Care Require that general funds be available to family planning clinics in the event that federal funds are no longer available, or if federal law restricts Medicaid recipients from obtaining family planning services. Require DHHS to provide for continuity of care for family planning services. See HB 517 amendment #1841s.	Sen. D'Allesandro	N/A	N/A	N/A	N/A
Family Planning; Contracts for Services Require the DHHS commissioner to take steps to encourage a competitive bidding process for family planning services. See HB 517 amendment #1893s.	Sen. Morse	N/A	N/A	N/A	N/A

Sen. Feltes, Dist 15
May 16, 2017
2017-1823s
01/04

Draft Amendment to HB 517

1 1 Lead Paint Poisoning Prevention; Parental Notification. Amend RSA 130-A:6-b to read as
2 follows:

3 130-A:6-b Parent Notification. The department shall send materials to the parents of any child
4 with a blood lead level of [5]3 micrograms per deciliter or higher. Such materials shall inform
5 parents who are tenants to work with the property owner and advise against engaging in
6 renovation, repair, or painting activities themselves. Such materials shall inform parents who own
7 and occupy the house in which the child resides of resources for identifying and eliminating lead
8 hazards, including the Renovation, Repair and Painting Program.

9 2 Lead Paint Poisoning Prevention; Property Owner Notification. Amend RSA 130-A:6-a, I to
10 read as follows:

11 I. The department shall notify in writing the owner or registered agent of an owner of a
12 dwelling or dwelling unit where the child resides if a venous blood test lead level of [5]3 to 9.9
13 micrograms per deciliter is found in the child's blood. Such notice to the property owner shall
14 specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an
15 order for lead hazard reduction. Such notice shall include information about the health hazards of
16 lead poisoning, standards for identifying and eliminating lead hazards, and the federal Renovation,
17 Repair, and Painting Program.

18 3 Lead Paint Poisoning Prevention and Control, Testing for Blood Levels. Amend RSA 130-A:5-
19 a to read as follows:

20 130-A:5-a ***Universal Testing***; Health Care Providers; Not Liable. All health care providers
21 who provide primary medical care shall ~~[ensure that parents and guardians of children 6 years of~~
22 ~~age or younger are advised of the availability and advisability of screening and testing their~~
23 ~~children for lead in accordance with this chapter]~~ ***conduct blood testing of all one and 2-year***
24 ***old patients to determine a blood lead level.*** A health care provider shall not be liable for not
25 performing a ~~[screening or confirmation]~~ test for blood lead level when a parent or guardian has
26 been informed of the ~~[availability and advisability of screening]~~ ***blood test requirement*** and has
27 refused to consent or has failed to follow through in response to a referral for a ~~[screening or~~
28 ~~confirmation]~~ test. ***Nothing in this section shall prevent a health care provider from***
29 ***recommending blood testing for children younger than one year or older than 2 years***
30 ***should circumstances, including potential lead hazard exposures, warrant such testing.***

31 4 New Section; Lead Paint Poisoning Prevention and Control; Blood Lead Testing. Amend
32 RSA 130-A by inserting after section 5-b the following new section:

Draft Amendment to HB 517

1 130-A:5-c Blood Lead Testing.

2 I. All parents or legal guardians shall have their children who are residing in this state
3 tested for blood lead level at the ages of one and 2. Effective July 1, 2019, no child 6 years old or
4 younger shall be admitted or enrolled in any school or child day care agency, as defined in RSA 170-
5 E:2, IV, public or private, unless it is demonstrated that such child has been tested for blood lead
6 level at the ages of one and 2 or, should it not be possible to demonstrate testing at these ages,
7 testing on at least one occasion prior to admission or enrollment shall be performed.
8 Notwithstanding the foregoing, parents shall be provided a period of 30 days following admission or
9 enrollment to obtain a blood lead level test or documentation of an appointment within 30 days or to
10 obtain and provide proof of testing.

11 II. The requirements for admission or enrollment contained in this section shall not apply if
12 the parent or guardian executes and provides to the school or child day care agency a form prepared
13 by the department acknowledging that he or she understands the benefits of blood lead testing and
14 is affirmatively refusing such testing. Such form shall be prepared by the department, in
15 coordination with the department of education, no later than March 1, 2019 and shall contain
16 information regarding the health risks associated with childhood lead poisoning and the health
17 benefits of blood lead testing.

18 III. A child shall be exempt from this required blood lead level testing if a parent or legal
19 guardian objects to such testing because of religious beliefs and provides sworn statement to such
20 effect or if a physician licensed under RSA 329, or a physician exempted under RSA 329:21, III,
21 certifies that blood lead level testing may be detrimental to the child's health. The latter exemption
22 shall exist only for the length of time that, in the opinion of the physician, testing would be
23 detrimental to the child.

24 5 New Sections; Remediation of Lead in Water and Rental Housing Fund. Amend RSA 130-A
25 by inserting after section 15 the following new sections:

26 130-A:15-a Remediation of Lead in Water and Rental Housing Fund Established.

27 I. There is hereby established the remediation of lead in water and rental housing fund to
28 be used to for the purposes of remediating lead in water and in rental housing. The fund shall be
29 composed of appropriations, gifts, grants, donations, bequests, or other moneys from any public or
30 private source and shall be used to pay costs to remediate lead in water and rental housing. The
31 fund shall be nonlapsing and shall be continually appropriated to the commissioner of the
32 department of health and human services for the purposes of this chapter. In using moneys from
33 the fund for the purpose of remediating lead in rental housing the commissioner shall contract with
34 the New Hampshire housing finance authority. The fund may reimburse owners of for-profit and
35 not-for-profit rental property for the costs of remediation of lead in water, including installation and
36 replacement of water filters and also the costs of replacing windows, doors, and other components
37 that pose lead hazards provided that:

Draft Amendment to HB 517

- Page 3 -

1 (a) Such replacements are conducted in accordance with lead-safe practices under
2 applicable laws and regulations; and

3 (b) Whether or not the property has been the subject of an order for lead hazard
4 reduction pursuant to RSA 130-A:6 or an enforcement action under RSA 130-A:7.

5 II. The department shall prepare a schedule of reimbursable costs for such components
6 premised on 75 percent of the reasonable cost of purchase and installation, or 100 percent of the
7 reasonable cost of purchase and installation if there is a demonstrated financial hardship. One-
8 third of the annual fund moneys may be used for loan loss reserve purposes in order to back or
9 otherwise secure low-interest loans from New Hampshire banks for the purpose of this section.

10 130-A:15-b Rulemaking for the Remediation of Lead in Water and Rental Housing Fund. In
11 developing the schedule of the reimbursable costs and the rules for the administration of the fund
12 provided for in RSA 130-A:15-a, the department shall consult with stakeholders representing
13 including, but not limited to, landlords, tenants, public health interests, realtors, financial services
14 and banking industry.

15 6 New Subparagraph; Application of Receipts; Remediation of Lead in Water and Rental
16 Housing Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (333) the following new
17 subparagraph:

18 (334) Moneys deposited in the remediation of lead in water and rental housing fund
19 established in RSA 130-A:15-a.

20 7 Child Day Care Licensing; License or Permit Suspension, Revocation, or Denial. Amend RSA
21 170-E:12, XII and XIII to read as follows:

22 XII. Fails to comply with the corrective action plan submitted by the child day care agency
23 and approved by the department; ~~or~~

24 XIII. Loses health, safety or zoning approval; *or*

25 ***XIV. Fails to comply with applicable public health laws and regulations***
26 ***concerning lead.***

27 8 New Paragraph; Residential Care and Child-Placing Agency Licensing; License or Permit
28 Suspension, Revocation, or Denial. Amend RSA 170-E:35 by inserting after paragraph XV the
29 following new paragraph:

30 XVI. Fails to comply with applicable public health laws and regulations concerning lead.

31 9 New Section; Coverage for Blood Lead Testing; Individual. Amend RSA 415 by inserting
32 after section 6-u the following new section:

33 415:6-v Coverage for Blood Lead Testing; Individual. Each insurer that issues or renews any
34 individual policy, plan, or contract of accident or health insurance providing benefits for medical or
35 hospital expenses shall provide to persons covered by such insurance who are residents of this state
36 coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided
37 under this section shall not be subject to any greater co-payment, deductible, or coinsurance than

Draft Amendment to HB 517

- Page 4 -

1 any other similar benefits provided by the insurer.

2 10 New Section; Coverage for Blood Lead Testing; Group. Amend RSA 415 by inserting after
3 section 18-z the following new section:

4 415:18-aa Coverage for Blood Lead Testing; Group. Each insurer that issues or renews any
5 policy of group or blanket accident or health insurance providing benefits for medical or hospital
6 expenses shall provide to each group, or to the portion of each group comprised of certificate holders
7 of such insurance who are residents of this state, coverage for coverage for the costs of blood lead
8 testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be
9 subject to any greater co-payment, deductible, or coinsurance than any other similar benefits
10 provided by the insurer.

11 11 Health Services Corporations; Applicable Statutes; Effective Until January 1, 2021 at 12:01
12 a.m. Amend RSA 420-A:2 to read as follows:

13 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this
14 chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
15 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
16 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
17 **RSA 415:6-v**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a,
18 RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-
19 w, RSA 415:18-y, RSA 415:18-z, **RSA 415:18-aa**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and
20 all applicable provisions of title XXXVII wherein such corporations are specifically included. Every
21 health service corporation and its agents shall be subject to the fees prescribed for health service
22 corporations under RSA 400-A:29, VII.

23 12 Health Services Corporations; Applicable Statutes; Effective January 1, 2021 at 12:01 a.m.
24 Amend RSA 420-A:2 to read as follows:

25 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this
26 chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
27 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
28 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, **RSA 415:6-
29 v**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j,
30 RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,
31 RSA 415:18-z, **RSA 415:18-aa**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
32 provisions of title XXXVII wherein such corporations are specifically included. Every health service
33 corporation and its agents shall be subject to the fees prescribed for health service corporations
34 under RSA 400-A:29, VII.

35 13 Health Maintenance Organizations; Statutory Construction; Effective October 1, 2017, at
36 12:02 a.m. Amend RSA 420-B:20, III to read as follows:

37 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,

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1 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, **RSA 415:6-v**, RSA 415:18, VII-
2 a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u,
3 RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, **RSA 415:18-aa**, RSA 415-A, RSA 415-F,
4 RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

5 14 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021 at
6 12:01 a.m. Amend RSA 420-B:20, III to read as follows:

7 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
8 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, **RSA 415:6-v**, RSA 415:18, VII-a, RSA 415:18,
9 XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-
10 w, RSA 415:18-z, **RSA 415:18-aa**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to
11 health maintenance organizations.

12 15 Realty Conveyances and Interests; Notification Required; Lead. Amend the section heading
13 and paragraph I of RSA 477:4-a to read as follows:

14 477:4-a Notification Required; Radon, Arsenic, and Lead [~~Paint~~].

15 I. Prior to the execution of any contract for the purchase and sale of any interest in real
16 property which includes a building, the seller, or seller's agent, shall provide the following
17 notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy
18 of such notification:

19 "Radon: Radon, the product of decay of radioactive materials in rock, may be found in some
20 areas of New Hampshire. Radon gas may pass into a structure through the ground or through
21 water from a deep well. Testing of the air by a professional certified in radon testing and testing of
22 the water by an accredited laboratory can establish radon's presence and equipment is available to
23 remove it from the air or water."

24 "Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at
25 unhealthy levels in well water in many areas of the state. Tests are available to determine whether
26 arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer
27 is encouraged to consult the New Hampshire department of environmental services private well
28 testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is
29 served by a private well."

30 "Lead [~~Paint~~]: Before [~~1977~~] **1978**, paint containing lead may have been used in structures.
31 ***Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint***
32 ***dust from friction surfaces, or from the disturbance of intact surfaces containing lead***
33 ***paint through unsafe renovation, repair or painting practices, or from soils in close***
34 ***proximity to the building, can present a serious health hazard, especially to young children and***
35 ***pregnant women. Lead may also be present in drinking water as a result of lead in service***
36 ***lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint***
37 ***or drinking water.***"

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1 16 New Section; Lead in Drinking Water in School and Child Care Facilities. Amend RSA 485
2 by inserting after section 17 the following new section:

3 485:17-a Lead in Drinking Water in Schools and Child Care Facilities.

4 I. No later than 180 days after the effective date of this section, and within every 5-year
5 period thereafter, public and private schools and licensed and license-exempt child care that have
6 not sampled in the prior 2 years shall test for the presence of lead in drinking water at all locations
7 at the facility that is available for consumption by children. Such testing shall be in accordance
8 with guidance from the department of environmental services. If test results demonstrate the
9 presence of lead in a concentration that exceeds the applicable standard established by the
10 Environmental Protection Agency, the school or licensed child care facility shall, within 5 business
11 days, notify parents and guardians and shall, as an interim measure, ensure that the children are
12 provided only drinking water that meets the standard. The school or licensed child care facility
13 shall also implement a remediation plan, as approved by the department within 30 days of
14 notification of parents or, in consultation with the department, as soon as practicable. The
15 department shall review the plan and any associated submittals within 30 days of receiving them.
16 If 3 consecutive rounds of sampling performed every 5 years are below the standard, further testing
17 shall not be required.

18 II. Any time the applicable federal standard for lead in drinking water is changed, public
19 and private schools and licensed child care facilities shall within 30 days compare the results of
20 their most recent testing with such new standard and, in the event any such results exceed the new
21 standard, proceed with the requirements of paragraph I relative to notice, remediation, and interim
22 measures.

23 17 New Section; Safe Drinking Water Act; Identification and Disclosure of Lead in Public
24 Water Systems. Amend RSA 485 by inserting after section 23-a the following new section:

25 485:23-b Identification and Disclosure of Lead in Public Water Systems. By January 1, 2019,
26 all public water systems and privately owned redistribution systems shall make reasonable efforts
27 to identify and publicly disclose all lead components that are in contact with drinking water
28 supplied to customers from their systems and shall make reasonable efforts to prevent elevated lead
29 levels in their systems. These efforts shall include, at a minimum: reviewing applicable system and
30 public records; consulting with system staff; requesting information from customers whose drinking
31 water may be affected; and documenting any new information about lead in their systems. This
32 section shall not require any system to perform excavation or conduct inspections on all customer
33 premises to identify lead components. Subject to the availability of funds, portions of the costs of
34 eliminating lead pipes may be eligible for funding from the drinking water and groundwater trust
35 fund established in RSA 6-D:1.

36 18 New Section; Testing for Presence of Lead Prior to Leasing Unit Required. Amend RSA 540-
37 A by inserting after section 3 the following new section:

Draft Amendment to HB 517

1 540-A:3-a Testing for Presence of Lead in Drinking Water. Any time a child tests positive for
 2 lead the department of health and human services shall test the water in the unit for lead. If the
 3 presence of lead in the drinking water exceeds the action level established by the Environmental
 4 Protection Agency, the landlord shall notify the tenant or prospective tenant and, shall install on
 5 the kitchen faucet a filtering device certified to reduce lead by NSF International/American
 6 National Standards Institute and follow all standards for the replacement of the filtering device and
 7 cartridges. The landlord shall not be required to maintain or install water filters where the source
 8 of the lead has been removed and the water tests below the action level established by the
 9 Environmental Protection Agency, as verified by the department of health and human services.

10 19 Reporting and Recommendation on Lead Poisonings Between 3 and 9.9 Micrograms. The
 11 department of health and human services shall provide a report to the childhood lead poisoning
 12 prevention and screening commission, established pursuant to RSA 130-A:19, on or by December
 13 31, 2017, which shall include a comprehensive accounting of venous blood test levels of 3
 14 micrograms or higher from the effective date this act until December 31, 2017, including, but not
 15 limited to, any and all raw data points excluding personally identifying information and the
 16 disclosure of methods of retrieving, collecting, or otherwise receiving such data. After a review and
 17 public discussion of this report, the childhood lead poisoning prevention and screening commission
 18 shall make a recommendation to the general court relative to whether and how to lower the current
 19 threshold of 10 micrograms provided for in RSA 130-A:5, I.

20 20 Appropriation. The sum of \$3,000,000 for fiscal year ending June 30, 2018 and the sum of
 21 \$3,000,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the department of
 22 health and human services to be deposited in the remediation of lead in water and rental housing
 23 fund, established in RSA 130-A:15-a. The governor is authorized to draw a warrant for said sums
 24 out of any money in the treasury not otherwise appropriated.

25 21 Lead Paint Poisoning Prevention and Control; Testing for Blood Levels RSA 130-A:5-a is
 26 repealed and reenacted to read as follows:

27 130-A:5-a Health Care Providers; Not Liable. All health care providers who provide primary
 28 medical care shall ensure that parents and guardians of children 6 years of age or younger are
 29 advised of the availability and advisability of screening and testing their children for lead in
 30 accordance with this chapter. A health care provider shall not be liable for not performing a
 31 screening or confirmation test for blood lead level when a parent or guardian has been informed of
 32 the availability and advisability of screening and has refused to consent or has failed to follow
 33 through in response to a referral for a screening or confirmation test.

34 22 Repeal. RSA 130-A:5-c, relative to blood lead testing.

35 23 Contingent Effectiveness. Sections 21 and 22 shall take effect July 1, 2019 if the
 36 appropriation in section 20 of this act does not continue for fiscal year 2020 at least at the same
 37 amount as appropriated in section 20.

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1 24 Effective Date.

2 I. Sections 9, 10, 11, and 13 shall take effect October 1, 2017 at 12:03 a.m.

3 II. Sections 12 and 14 shall take effect January 1, 2021 at 12:02 a.m.

4 III. Sections 21 and 22 shall take effect as provided in section 23 of this act.

5 IV. The remainder of this act shall take effect 60 days after its passage.

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2017-1823s

AMENDED ANALYSIS

1. Makes various changes in the laws regarding lead including:
 - (a) Changes the blood levels for parental notification and property owners relative to blood lead levels in children.
 - (b) Requires testing for blood lead levels in children at the age of one and 2.
 - (c) Establishes a remediation of lead in water and rental housing fund and makes an appropriation for the purposes of the fund.
 - (d) Requires insurance coverage for blood lead level testing.
 - (e) Requires certain notification regarding lead for the purchase and sale of certain real estate.
 - (f) Requires testing for lead in drinking water in child care facilities and schools.

Sen. D'Allesandro, Dist 20
May 17, 2017
2017-1841s
05/01

Draft Amendment to HB 517

1 1 Providing Continuity of Care for Family Planning Services, Contingent on Federal Actions.

2 I. If a family planning health clinic is no longer eligible to receive federal matching funds or
3 if federal law restricts the rights of a Medicaid recipient to obtain services from a family planning
4 health clinic, services that are otherwise covered by the Medicaid program shall be funded solely
5 with general funds. In order to receive this state funding, a family planning health clinic shall
6 otherwise meet the requirements of the department of health and human services for participation
7 and enrollment as a Medicaid provider.

8 II. In order to ensure continuity of services and care, the commissioner of the department of
9 health and human services shall implement any program changes necessary to ensure such family
10 planning health clinics shall continue to be reimbursed by the department in accordance with the
11 department's most recent fee schedule or by Medicaid managed care organizations in accordance
12 with negotiated provider contracts.

Sen. Morse, Dist 22
May 18, 2017
2017-1893s
01/10

Draft Amendment to HB 517

- 1 1 Department of Health and Human Services; Contracts for Family Planning Services.
- 2 Notwithstanding any law or administrative rule to the contrary, the commissioner of health and
- 3 human services shall take all steps reasonably necessary to encourage a competitive bidding or
- 4 application process for state contracts for family planning services.