

SB 157-FN-A - AS AMENDED BY THE SENATE

03/04/2021 0451s

2021 SESSION

21-0914

05/04

SENATE BILL

157-FN-A

AN ACT relative to funding of children's mental health services and making an appropriation to fund positions in the department of health and human services contracts and procurement unit.

SPONSORS: Sen. Whitley, Dist 15; Sen. Bradley, Dist 3; Sen. Rosenwald, Dist 13; Sen. Carson, Dist 14; Sen. Sherman, Dist 24; Rep. Wallner, Merr. 10; Rep. Cornell, Hills. 18; Rep. Mullen, Hills. 7; Rep. Long, Hills. 10

COMMITTEE: Health and Human Services

ANALYSIS

This bill:

I. Extends a prior appropriation to the department of health and human services for child welfare behavioral health services.

II. Requires that the New Hampshire 10-year mental health plan include a report on implementation of 2019, 44 (SB 14), relative to child welfare.

III. Establishes positions in the department of health and human services contracts and procurement unit and makes an appropriation for this purpose.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to funding of children's mental health services and making an appropriation to fund positions in the department of health and human services contracts and procurement unit.

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

1 1 Appropriation to the Department of Health and Human Services for Child Welfare Behavioral
2 Health Services. Lapse Extension. Amend 2019, 346:347 to read as follows:

3 346:347 Appropriation; Department of Health and Human Services; Child Welfare Behavioral
4 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of
5 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
6 health and human services for the purposes of sections 330-346 of this act. ***The \$13,164,000***
7 ***appropriation for fiscal year 2021 shall not lapse until June 30, 2022.*** Notwithstanding RSA
8 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in
9 this section without prior approval of this fiscal committee of the general court. The governor is
10 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
11 appropriated.

12 2 Annual Report on State Mental Health Plan; Child Welfare Component. Amend RSA 126-A:5,
13 XXXIII to read as follows:

14 XXXIII.(a) On or before September 1, 2019, the commissioner shall submit a report on the
15 New Hampshire 10-year mental health plan of 2018 containing the priorities for implementation of
16 the plan to the oversight committee on health and human services, established under RSA 126-A:13,
17 the chairpersons of the house and senate policy committees with jurisdiction over health and human
18 services matters, the president of the senate, the speaker of the house of representatives, ~~and~~ the
19 governor, ***and the office of the child advocate established in RSA 21-V.*** The commissioner
20 shall submit a report on or before September 1, 2020 and annually thereafter on the status of the
21 implementation of the 10-year mental health plan including, but not limited to, unmet benchmarks
22 and recommendations for any necessary barrier resolution or necessary adjustments or modifications
23 to the plan to better serve New Hampshire citizens, to the oversight committee on health and human
24 services and the chairpersons of the house and senate policy committees with jurisdiction over
25 health and human services matters. The annual report shall include any recommendations by the
26 commissioner for legislation as needed or appropriate in achieving important benchmarks in fully
27 implementing the 10-year mental health plan.

28 (b) ***As part of the annual report required by this paragraph, the commissioner***
29 ***of the department of health and human services, in conjunction with the commissioner of***

1 *the department of education, shall issue a joint report on the implementation of 2019, 44*
2 *(SB 14), relative to child welfare. This portion of the report shall address in detail the*
3 *implementation status of each section of 2019, 44 (SB 14) and include all information*
4 *related to progress toward full implementation of a system of care under RSA 135-F. The*
5 *report shall also address the following:*

6 *(1) The total cost of children's behavioral health services.*

7 *(2) The identification of barriers and service gaps in the array of children's*
8 *behavioral health services, along with a description of efforts and plans to fill those gaps.*

9 *(3) The availability of mobile crisis and stabilization services in each part of*
10 *the state and plans to fill any gaps.*

11 *(4) Changes to statutes, administrative rules, policies, practices, and*
12 *managed care and provider contracts which will be necessary to fully implement the*
13 *system of care.*

14 *(5) Shortfalls in workforce sufficiency affecting full implementation of the*
15 *system of care as well as efforts and plans for addressing those shortfalls.*

16 *(6) Numbers of children and youth awaiting services in various categories.*

17 *(7) Plans to coordinate the system of care with existing efforts addressing*
18 *early childhood interventions, primary prevention, and primary care integration.*

19 *(8) Plans to develop and/or coordinate a cross-system assessment tool and*
20 *data collection system to measure outcomes, including but not limited to status upon exit*
21 *from the system of care, measured treatment results, recidivism, and other returns to the*
22 *service system.*

23 3 Repeal. RSA 135-F:6, relative to reporting requirements on the system of care for children's
24 mental health, is repealed.

25 4 System of Care for Children's Mental Health; Duties of the Commissioner of Health and
26 Human Services; Reference Change. Amend the introductory paragraph of RSA 135-F:4, II to read
27 as follows:

28 II. Develop a plan for full establishment and maintenance of a system of care. Such plan
29 shall be reviewed and amended annually. It shall include sufficient detail to allow compliance with
30 the reporting requirements of RSA ~~[135-F:6]~~ **126-A:5, XXXIII**, and shall address at least the
31 following elements:

32 5 System of Care for Children's Mental Health; Duties of the Commissioner of the Department
33 of Education; Reference Change. Amend the introductory paragraph of RSA 135-F:5, II to read as
34 follows:

35 II. Develop a plan for full support and participation of the department of education in the
36 establishment and maintenance of a system of care. Such plan shall be reviewed and amended

SB 157-FN-A - AS AMENDED BY THE SENATE

- Page 3 -

1 annually. It shall include sufficient detail to allow compliance with the reporting requirements of
2 RSA ~~[135-F:6]~~ **126-A:5, XXXIII**, and shall address at least the following elements:

3 6 Department of Health and Human Services; Contracts and Procurement Unit; Positions
4 Established. There are hereby established within the department of health and human services for
5 the biennium ending June 30, 2023, 8 full-time, classified positions in the office of business
6 operations, contracts and procurement unit.

7 7 Appropriation; Department of Health and Human Services; Contracts and Procurement Unit.
8 The sum of \$644,260 for the fiscal year ending June 30, 2022, and the sum of \$810,607 for the fiscal
9 year ending June 30, 2023, are hereby appropriated to the department of health and human services
10 for the purpose of funding positions in the office of business operations, contracts and procurement
11 unit. The governor is authorized to draw a warrant for said sums out of any money in the treasury
12 not otherwise appropriated.

13 8 Effective Date. This act shall take effect June 30, 2021.

**SB 157-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to funding of children's mental health services and making an appropriation to fund positions in the department of health and human services contracts and procurement unit.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$644,260	\$810,607	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable Increase	\$810,607	\$840,899
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

Section one of this bill amends Chapter 346:347, Laws of 2019, by extending until June 30, 2022 the \$13,164,000 appropriation to the Department of Health and Human Services for the purposes of funding children's behavioral health programming. This appropriation was originally written to lapse on June 30, 2021, at the end of the FY 2020/21 biennium. Although the amount appropriated to the Department will not change as a result of the bill, the extension of the lapse date will likely result in a lower FY 2021 lapse figure than would otherwise be the case. In turn, the Department's FY 2022 expenditures will be higher than would otherwise be the case. For these reasons, the fiscal impact of this provision is labeled indeterminable in the table above.

Section two of the bill amends RSA 126-A:5, which requires the Department to provide an annual report on the progress of the 10-year mental health plan. The amended language requires the Department to include in that report any progress made towards the goals and requirements of Chapter 44, Laws of 2019 (SB 14). The Department does not expect this section to have a fiscal impact.

Finally, section three of the bill contains an appropriation of \$644,260 in FY 2022 and \$810,607 in FY 2023 for the purpose of funding positions in the office of business operations, contracts and procurement unit. These numbers reflect the following eight positions, with start dates of October 1, 2021:

- One Administrator I (Labor Grade 27)
- One Business Administrator II (Labor Grade 24)
- Two Attorney IIs (Labor Grade 28)
- Four Program Specialist IVs (Labor Grade 25)

The Department assumes all positions will start at step five of the salary schedule. Costs for the positions are expected to be \$840,899 in FY 2024.

AGENCIES CONTACTED:

Department of Health and Human Services