

SB 430-FN-A - AS AMENDED BY THE HOUSE

02/16/2022 0642s  
03/31/2022 1273s  
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2022 SESSION

22-2972  
05/04

SENATE BILL ***430-FN-A***

AN ACT relative to health and human services.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill:

1. Establishes a special fund for administration of opioid treatment programs.
2. Establishes a pilot program plan for individuals with developmental disabilities, requires approval of the fiscal committee for implementation of the program, and makes an appropriation for this purpose.
3. Revises the department's authority to recover unauthorized payments by the state.
4. Repeals certain reporting requirements.
5. Establishes investigatory procedures and licensing criteria for recreational camps.
6. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.
7. Creates a separate category of foster care license for kinship care homes.
8. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.
9. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.
10. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.
11. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.
12. Clarifies the food service licensure exemption for recreational camps.

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13. Revises certain department of health and human services employee position titles.
14. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glencliff home and makes an appropriation for this purpose.
15. Establishes new positions for inpatient treatment of children's behavioral health.
16. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glencliff home.
17. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services and inserts a reference to Hampstead hospital.
18. Increases the fee for certain child care employment eligibility cards.
19. Establishes requirements for the transfer or discharge of residents from certain child care agencies.
20. Makes an appropriation to the department of health and human services for hospital birthing services.
21. Permits consultation and follow up care via telehealth from out-of-state health care providers.
22. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.
23. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.
24. Establishes an exemption from certain licensing requirements for health care facilities that operate on a membership-based or direct payment business model.

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

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to health and human services.

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

1       1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Special  
2 Fund for Administration of Opioid Treatment Programs. Amend RSA 6:12, I(b) by inserting after  
3 subparagraph (382) the following new subparagraph:

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

6       2 New Section; New Hampshire Substance Use Disorder Services System; Special Fund for  
7 Administration of Opioid Treatment Programs. Amend RSA 172 by inserting after section 8-b the  
8 following new section:

9       172:8-c Special Fund for Administration of Opioid Treatment Programs. There is hereby  
10 established a special fund for administration of opioid treatment programs. The fund shall be  
11 composed of fees collected by the commissioner in accordance with RSA 172:14, II, and shall be used  
12 to carry out the provisions of this chapter including, but limited to, acting upon the application for  
13 the certification, permit, or training of opioid treatment programs. The fund shall be nonlapsing and  
14 shall be continually appropriated to the commissioner for the purposes of this chapter to support  
15 program operations for certification and administration of the department of health and human  
16 services oversight of opioid treatment programs.

17       3 Department of Health and Human Services; Developmental Services; Pilot Program.

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

27           II. For purposes of the pilot program, the local education agency, all state agencies, and  
28 divisions of the department involved with an individual seeking services shall, with the consent of  
29 the individual or the individual's guardian, provide information to the area agency and participate in

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1 the individual's service planning. The area agency shall provide such information to the  
2 department.

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

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

13 V. On or before February 1, 2023, the department shall provide a detailed report of the pilot  
14 program plan to the senate health and human services committee, the senate finance committee, the  
15 house children and family law committee, the house health, human services and elderly affairs  
16 committee, the house finance committee, the oversight committee on health and human services  
17 established in RSA 136-A:13, and the fiscal committee of the general court. The report shall include  
18 data on utilization, including the number of individuals seeking services in accordance with  
19 paragraph I, the number of individuals provided services as part of the pilot program, the types of  
20 specific services provided for each individual, the total cost of the services provided, and other  
21 relevant information necessary to assess the pilot program for statewide expansion as part of the  
22 state budget for the biennium ending June 30, 2025.

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

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

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1       4   Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children;  
2   Unauthorized Payments; Recovery by State. RSA 167:17-a is repealed and reenacted to read as  
3   follows:

4       167:17-a   Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any  
5   person under the provisions of RSA 167 as a result of any false statement, misrepresentation or  
6   concealment of or failure to disclose the receipt of property, wages, income or resources by such  
7   person or by any person legally liable for his or her support may be recovered through administrative  
8   or judicial process, in an action brought by the state or the commissioner of the department of health  
9   or human services, or his or her designee, against such person. The commissioner of the department  
10   of health and human services shall recover any unauthorized payments pursuant to applicable  
11   federal and state law by either reasonably adjusting current and future grant amounts received by  
12   the person violating the provisions of this section, or through repayment to the department during  
13   such time the person is not currently receiving public assistance. A person who knowingly, and with  
14   malfeasance, assists a recipient or another person in obtaining an overpayment shall be jointly and  
15   severally liable for the overpayment unless prohibited by federal law.

16       5   Repeal. The following are repealed:

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

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

19       6   New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA  
20   170-E by inserting after 66 the following new sections:

21       170-E:67   Confidentiality and Investigations. The department may request and shall receive  
22   cooperation from other state agencies in connection with investigations and licensure. The  
23   department shall strictly observe the confidentiality requirements of the agency from which it  
24   receives information.

25       170-E:68   License Suspension, Revocation, or Denial. The department may suspend, revoke, or  
26   deny any license if the license holder:

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

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

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

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

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

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

36           VII. Refuses or fails to submit to an investigation or to the required visits by the  
37   department;

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

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

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

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

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

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

IV. The court shall determine whether each parent summoned~~[, having custody or control of the child,]~~ understands the possible consequences to parental rights should the court find that the child is abused or neglected. Each person shall sign a statement stating that such person understands the consequences to parental rights. Such statement shall be in a form to be determined by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1       16 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend  
2 RSA 167:6, IX-a to read as follows:

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

10       17 Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support.  
11 Amend RSA 458:19-c, II, to read as follows:

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

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

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

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

21       18 New Paragraph; Domestic Relations; Medical Assistance Recipient; Notice of Petition for  
22 Spousal Support. Amend RSA 458:19-c to insert after paragraph II the following new paragraph:

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

26       19 Guardians and Conservators; Estate Planning by Guardian. Amend the introductory  
27 paragraph on RSA 464-A:26-a, VII, to read as follows:

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

32       20 New Paragraph; Guardians and Conservators; Estate Planning by Guardian. Amend RSA  
33 464-A:26-a, VII by inserting after paragraph VII the following new paragraph:

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



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1       21 New Section; Uniform Civil Liability for Support; Medical Assistance Recipient; Notice of  
2       Petition for Spousal Support. Amend RSA 546-A by inserting after section 7 the following new  
3       section:

4       546-A:7-a Medical Assistance Recipient; Notice of Petition for Spousal Support.

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

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

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

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

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

17       22 Department of Health and Human Services; Medicaid Program; Personal Care Attendants.

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

24          II. There is hereby appropriated to the department of health and human services the sum of  
25       \$700,000 for the fiscal year ending June 30, 2023, for the purpose of implementing this section. The  
26       governor is authorized to draw a warrant for said sum out of any money in the treasury not  
27       otherwise appropriated.

28       23 Lead Paint Poisoning Prevention and Control; Investigations. Amend the introductory  
29       paragraph of RSA 130-A:5, I to read as follows:

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

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

IV. Recreation camps inspected and licensed under RSA [449] ***170-E, including recreation camps that offer food to camp families or alumni in the 45 days prior to or after the camp operating season.***

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

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

26 Department of Health and Human Services; Shift Differential Payments; Recovery Forgiveness; Appropriation.

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

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

III. The sum of \$29,000 for the fiscal year ending June 30, 2023, is appropriated to the department of health and human services for the purpose of providing shift-differential payments to clinical staff at New Hampshire hospital and the Glencliff home, as described in paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

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

I-a. Notwithstanding any other provisions of law to the contrary, for any expenditure more than \$10,000 under this paragraph, upon the request of an appointing authority submitted to the

commissioner of administrative services for review and evaluation and upon approval by the joint committee on employee classification, the governor and council is hereby authorized, upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel, to make recruitment or retention bonuses for classified clinical positions at New Hampshire hospital and the Glencliff home. The department of health and human services, in conjunction with the department of administrative services, is authorized to make any expenditure less than or equal to \$10,000 under this paragraph.

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

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

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

(a) Whenever the court issues an order for evaluation, care, or treatment of a child at ~~[the Philbrook center]~~ ***a facility that provides child inpatient psychiatric treatment within the state mental health system*** pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such evaluation, care, or treatment shall be borne by the department, except as otherwise provided in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1       38 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, I(b) to read as  
2 follows:

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

7       39 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, III to read as  
8 follows:

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

12       40 Child Protection Act; Preliminary Disposition. Amend RSA 169-C:16, III to read as follows:

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

23       41 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I(b)(2) to read as follows:

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

27       42 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, IV to read as follows:

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

31       43 Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:14, III to read as  
32 follows:

33           III. If the court finds the child is in need of services, it shall, unless a report done on the  
34 same child less than 3 months previously is on file, order the department of health and human  
35 services or other appropriate agency to make an investigation and written report consisting of, but  
36 not limited to, the home conditions, school record and the mental, physical and social history of the  
37 child including sibling relationships and residences for the purpose of preserving relationships

1 between siblings who are separated as a result of court ordered placement. Evaluations performed  
2 at ~~at [the Philbrook center]~~ **a facility providing child inpatient psychiatric treatment within the**  
3 **state mental health system** may occur only upon receiving prior approval for such evaluation from  
4 the commissioner of the department of health and human services or designee. When ordered by the  
5 court, such investigation shall include a physical and mental examination of the child, parents,  
6 guardian, or person having custody. The court may order a substance abuse evaluation of the child,  
7 parents, guardian, or person having custody. Any substance abuse evaluation of the parent,  
8 guardian, or person having custody of the child shall be conducted by a provider contracted with the  
9 bureau of substance abuse services, or a provider paid by the parent, guardian, or person having  
10 custody of the child. The cost of said evaluation shall be paid by private insurance, if available, or  
11 otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or  
12 at a reduced cost if the person is of limited means. The court shall inform the parents, guardian, or  
13 person having custody and child of their right to object to the physical examination, mental health  
14 evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court  
15 having jurisdiction within 5 business days after notification of the time and place of the examination  
16 or evaluation. The court may excuse the child, parents, guardian, or person having custody upon  
17 good cause shown. No disposition order shall be made by the court without first reviewing the  
18 investigation report, if ordered.

19 44 Children in Need of Services; Determination of Competence. Amend RSA 169-D:18-a, I to  
20 read as follows:

21 I. At any point during the proceedings, the court may, either on its own motion or that of  
22 any of the parties, order the child to submit to a mental health evaluation for the purpose of  
23 determining whether the child is competent to have committed the offenses or acts alleged in the  
24 petition. The evaluation shall be completed within 60 days of the date of such order and shall be  
25 conducted by an agency ~~[other than the Philbrook center]~~ which is approved by the commissioner of  
26 health and human services, or conducted by a psychologist licensed in New Hampshire or a qualified  
27 psychiatrist, or by ~~[the Philbrook center]~~ **a facility providing child inpatient psychiatric**  
28 **treatment within the state mental health system** only upon receiving prior approval for  
29 admission of the child for such evaluation by the commissioner of the department of health and  
30 human services. The evaluation shall be submitted to the court in writing prior to the hearing on  
31 the merits.

32 45 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, I(b) to read as  
33 follows:

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

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1       46 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, IV to read as  
2 follows:

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

6       47 Youth Services Center; Records. Amend RSA 621-A:7, I to read as follows:

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

15       48 Emergency Treatment; Reference Change. Amend the introductory paragraph of RSA  
16 135:21-b to read as follows:

17       135:21-b Emergency Treatment. A physician licensed in the state, a psychiatrist-supervised  
18 physician assistant licensed in this state, a psychiatric mental health advanced practice registered  
19 nurse, or a person acting under such physician's, psychiatrist-supervised physician assistant's, or  
20 advanced practice registered nurse's direction may administer a recognized and approved form of  
21 medical or psychiatric treatment which the physician, psychiatrist-supervised physician assistant, or  
22 psychiatric mental health advanced practice registered nurse reasonably believes will tend to  
23 promote the physical and mental health of a patient of the New Hampshire hospital, [~~Laconia~~  
24 ~~developmental services,~~] Glencliff home, any community mental health or developmental services  
25 program or treatment facility receiving state grants under RSA 171-A, or any other treatment  
26 facility designated as a receiving facility under RSA 135-C, when:

27       49 State Facilities Other Than New Hampshire Hospital; Reference Change. Amend RSA 135-  
28 C:4, I to read as follows:

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

36       50 Child Protection Act; Institutional Abuse and Neglect; Reference Change. Amend RSA 169-  
37 C:37 to read as follows:

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1       169-C:37 Institutional Abuse and Neglect. The department of justice shall be empowered to  
2 receive and investigate reports of institutional abuse or neglect at the youth development center,  
3 [~~Laconia developmental services, and New Hampshire hospital~~] **and any facility that provides**  
4 **child inpatient psychiatric treatment within the state mental health system**; and the  
5 department shall be empowered to receive and investigate reports of all other suspected instances of  
6 institutional abuse or neglect. Either the department of justice or the commissioner of the  
7 department or both may adopt rules consistent with this authority to investigate such reports and  
8 take appropriate action for the protection of children.

9       51 Guardians and Conservators; Conduct of Hearing; Reference Change. Amend RSA 464-A:8,  
10 III to read as follows:

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

16       52 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of  
17 Registration and Withholding of State Funds. Amend RSA 170-E:7, IV-d to read as follows:

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

22       53 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records  
23 Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E:29-a, VII(b) to read  
24 as follows:

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

29       54 New Section; Residential Care and Child-Placing Agency Licensing; Transfer or Discharge.  
30 Amend RSA 170-E by inserting after section 42 the following new section:

31       170-E:42-a Transfer or Discharge of Residents.

32       I. In this section:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 Department of Health and Human Services; Medicaid Reimbursement Rates for Hospital Birthing Services.

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

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

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

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

VII. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; advanced practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home health care providers under RSA 151:2-b; midwives, governed by RSA 326-D; psychologists, governed by RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A; mental health practitioners governed by RSA 330-A; community mental health providers employed by community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use professionals, governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to provide consultation services or follow-up care via telehealth to a patient who previously received services from the provider in the state where the provider is licensed.

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

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

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

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1       59 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, III to  
2 read as follows:

3           III. The department shall verify the information contained in an application or renewal  
4 submitted pursuant to this section. The department shall approve or deny ~~[an]~~ **a complete**  
5 application or renewal for a qualifying patient within 15 days of receipt of the application. The  
6 department shall approve or deny ~~[an]~~ **a complete** application or renewal to serve as a designated  
7 caregiver within 15 days of receipt of the application ~~[and the criminal history records check results]~~.  
8 The department may deny an application or renewal only if the applicant did not provide the  
9 information required pursuant to this section, or if the applicant previously had a registry  
10 identification card revoked for violating the provisions of this chapter or rules adopted by the  
11 department, or if the department determines that the information provided was falsified or did not  
12 meet the requirements of this chapter or rules adopted by the department. The department shall  
13 notify an applicant of the denial of an application. An applicant who is aggrieved by a department  
14 decision may request an administrative hearing at the department.

15       60 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, IV(a) to read as follows:

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

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

23                   (2) Is under 21 years of age.

24       61 New Paragraph; Alternative Treatment Centers; Requirements; Criminal Background  
25 Check. Amend RSA 126-X:8 by inserting after paragraph IV the following new paragraph:

26           IV-a.(a) A person applying to be an alternative treatment center agent shall submit directly  
27 to the department of safety a criminal history records release form, as provided by the New  
28 Hampshire division of state police, authorizing the release of any felony convictions to the  
29 department. The applicant shall submit with the release form a complete set of electronic  
30 fingerprints taken by a qualified law enforcement agency or an authorized employee of the  
31 department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a  
32 second set of fingerprints shall be necessary in order to complete the criminal history records check.  
33 If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may,  
34 in lieu of the criminal history records check, accept police clearances showing no felony convictions  
35 from every city, town, or county where the person has lived during the past 5 years. The division of  
36 state police shall conduct a criminal history records check through its records and through the  
37 Federal Bureau of Investigation. Upon completion of the records check, the division of state police

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1 shall report to the department whether or not there are any felony convictions. The department  
2 shall maintain the confidentiality of criminal history record information received pursuant to this  
3 section. The applicant shall bear the cost of a criminal history records check.

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

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

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

14 62 Child Protection Act; Confidentiality. Amend RSA 169-C:25, II to read as follows:

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

19 63 New Subparagraph; Services for Children, Youth and Families; Confidentiality of Case  
20 Records. Amend RSA 170-G:8-a, VI by inserting after subparagraph (b) the following new  
21 subparagraph:

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

24 . 64 Residential Care and Health Facility Licensing; Policies Required for Health Facilities and  
25 Special Health Care Service Licenses; Direct Payment and Membership-Based Facilities Excluded.  
26 Amend RSA 151:2-f, I to read as follows:

27 I. Adopt and enforce a written policy to assure that the facility provides its services to all  
28 persons who require the services the facility provides regardless of the source of payment for the  
29 services provided to any person, ***unless the facility operates on a membership-based business***  
30 ***model or exclusively provides services to persons who make direct payment for services.***  
31 ***For purposes of this paragraph, a direct payment is one that is paid directly by the patient***  
32 ***and is not reimbursed or otherwise paid by a third party;***

33 65 Effective Date.

34 I. Sections 1-3, 6, 15, 16, 22, 28, 52, 53, and 55 of this act shall take effect July 1, 2022.

35 II. Sections 17 and 23 of this act shall take effect 60 days after its passage.

36 III. Sections 25-27 of this act shall take effect June 30, 2022.

37 IV. Sections 7, 8, 62, and 64 of this act shall take effect January 1, 2023.

- 1 V. Sections 57-61 of this act shall take effect 30 days after its passage.
- 2 VI. The remainder of this act shall take effect upon its passage.

**SB 430-FN-A- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2022-1484h)

AN ACT                      relative to health and human services.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$5,929,000	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill makes a variety of changes to laws governing the Department of Health and Human Services. Those changes, and their potential fiscal impacts, are as follows:

Sections 1 and 2 establish a special fund for administration of opioid treatment programs. The non-lapsing, dedicated fund would be used to support program operations for certification and administration of oversight of opioid treatment programs. The Department anticipates an indeterminable increase in expenditures to support program operations.

Section 3 relates to implementing a pilot program to serve up to 20 individuals, between the ages of 18-21, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the Department. The bill contains a \$2.8 million general fund appropriation for the purposes of implementing the pilot program. Given that the pilot program limits the number of participants, the Department expects that federal financial participation may not be available through the section 1915(c) home and community based services waiver. The proposed amendment to RSA 171-A:1-a, II clarifies that the Department cannot provide services for persons eligible if funding has not been allocated in accordance with paragraph I.

Section 4 amends RSA 167:17-a to add “failure to report collateral resources” as an element authorizing recovery by the Department for overpayment, clarify the Department’s ability to recover overpayments in circumstances of agency error, and stipulate that any individual who assists a recipient in receiving an overpayment is jointly and severally liable for the

overpayment. The Department expects an indeterminable increase in recovery of overpayments of certain cash public assistance as a result of this section.

Sections 5 and 6 are based on the Department's ongoing inventory and review of departmental reporting requirements. The fiscal impact is expected to be minimal.

Sections 7 and 8 amend RSA 169-C, the child protection act, to allow alternative service of process when a parent cannot be located. This Department states that this change is consistent with the guardianship statute and will promote permanency in cases where a parent cannot be served at their abode or in-hand. The Department anticipates minimal fiscal impact.

Sections 9-14 amend the foster care licensing statute, RSA 170-E, to define kinship and create a separate category of foster license for kinship caregivers who are only seeking to provide care to children with whom they have an existing relationship. The Department states that this change is consistent with a desire to place children with family and fictive kin, and will allow the Department to provide better support to child specific caregivers and in turn expand the options for placement and address the shortage of available foster homes. The Department expects the fiscal impact to be minimal.

Sections 15 and 16 amend RSA 167:6 to eliminate the requirement that the Department charge premiums for the Medicaid for Employed Adults with Disabilities (MEAD) and Medicaid for Older Adults with Disabilities (MOAD) coverage groups. The Department anticipates a minimal fiscal impact due to the offset between lost premium revenue and decreased cost of administration.

Sections 17 through 21 amend certain domestic relations statutes and guardianship statutes to provide the Department a meaningful opportunity to inform courts of concerns relative to the impact of spousal support and guardianship orders on individuals who are Medicaid recipients or who may be suspected victims of abuse, neglect or exploitation. These sections are expected to result in a minimal fiscal impact to the Department.

Section 22 allows family caregivers or legally responsible individuals to be paid as personal care attendants for Medicaid recipients in lieu of up to 50% portion of unfilled private duty nursing hours. This provision would only be utilized if the 1135 federal waiver ended, and another means of coverage through CMS was not readily attainable. This section would remain temporarily in effect for no longer than two years. The bill contains a \$700,000 general fund appropriation in FY23 for the purposes of this section.

Section 23 removes the requirement in RSA 130-A:5, I for the necessity for two venous blood tests to determine a blood lead level related investigations of the cases of lead poisoning in children. It also would remove the declaration requirement by a physician after receiving the lead test results from the laboratory. Also removed is the declaration from a physician that the results of the first venous blood test, which per the current statute would be the only way a second test would not be required. The Department anticipates minimal fiscal impact as a result of this section.

Section 24 clarifies the food services licensure exemption for recreational camps. The Department anticipates no fiscal impact.

Section 25 aligns legal and working titles for unclassified positions within the department, and the Department anticipates no fiscal impact.

Section 26 is responsive to a recent financial audit regarding recovery forgiveness of shift differential paid to certain clinical staff at NHH and Glencliff Home. The bill contains a \$29,000 general fund appropriation in FY23 to implement this section.

Section 27 establishes six new unclassified leadership positions within the department of health and human services to assist with the strategic direction and oversight of day to day operations of Hampstead Hospital. The bill does not identify specific labor grades or position titles, but does state that six existing non-classified positions established for the same purposes shall be transferred to the newly-created unclassified positions. Once completed, the non-classified positions shall be eliminated. The fiscal impact is indeterminable.

Section 28 provides statutory authority for a salary adjustment for the purposes of recruitment or retention of certain classified clinical staff such as nurses and other critical, clinical staff in light of hiring shortages. This authority is similar to that already granted for certain unclassified positions. The fiscal impact is indeterminable.

Sections 29-51 remove all references to the Anna Philbrick center and the Laconia State School from New Hampshire revised statutes annotated. The Department anticipates no fiscal impact as a result of these sections.

Sections 52 and 53 revise RSA 170-E:7, IV-d and 170-E-29-a, VII (b) to reduce the fee for the employment eligibility card as follows:



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

Total fees collected from 2019 through 2021 have ranged from \$76,000 to \$116,000 annually. The Department projects that as a result of these sections, fee collections will be reduced by approximately one half.

Section 54 establishes a new RSA 170-E:42-a, relative to the transfer and discharge of residents in residential care settings. The Department anticipates minimal fiscal impact.

Section 55 requires the Department to increase the Medicaid reimbursement rate for facility-based birthing services by 25 percent in the aggregate, and provides a \$2.4 million general fund appropriation for this purpose in FY23.

Section 56 allows certain medical professionals to provide telehealth consultations or follow-up care to patients who previously received services from the provider in the state where the provider is licensed.

Sections 57-61 remove the criminal background check requirement for designated caregivers, and modifies the criminal background check requirement for alternative treatment centers (ATC). The Department anticipates a minimal fiscal impact.

Section 62 amends RSA 169-C:25, II by reducing from a misdemeanor to a violation the knowing disclosure, without prior permission of the court, of any information that may identify a child or parent who is involved in a hearing. The Department anticipates no fiscal impact.

Sections 63-64, relative to recreation camp licensing, add new statutory provisions for confidentiality and investigations. They also establish a new section clarifying the Department's authority with respect to license suspensions, revocations, and denials.

**AGENCIES CONTACTED:**

Department of Health and Human Services