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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF FINANCE AND PROCUREMENT

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May 17, 2021

The Honorable Ken Weyler, Chairman
 Fiscal Committee of the General Court
 State House
 Concord, NH 03301

His Excellency, Governor Christopher T. Sununu
 and the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Pursuant to the provisions of RSA 14:30-a, VI, authorize the Department of Health and Human Services, New Hampshire Hospital to retroactively accept and expend federal funds in the amount of \$13,137,051 from the American Rescue Plan Act (ARPA) to fund improvements in New Hampshire's mental health system, as outlined in Executive Order 2021-09, effective retroactive to May 17, 2021 upon approval by the Fiscal Committee and Governor and Council through June 30, 2023 and further authorize the allocation of these funds in the accounts below. 100% Federal Funds.

05-095-940010-24650000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SERVICES, HHS: NEW HAMPSHIRE HOSPITAL, NEW HAMPSHIRE HOSPITAL, ARPA DHHS FISCAL RECOVERY FUNDS

| Class/Obj | Class Title | Current Modified Budget | Increase (Decrease) Amount | Revised Modified Budget |
|------------|-------------------------------------|-------------------------|----------------------------|-------------------------|
| 000-400338 | Federal Funds | \$0 | \$13,137,051 | \$13,137,051 |
| | General Funds | | | |
| | Total Revenue | | | |
| 020-500200 | Current Expense | \$0 | \$1 | \$1 |
| 030-500301 | Equipment New/Replacement | \$0 | \$1 | \$1 |
| 040-500800 | Indirect Costs | \$0 | \$1,193,920 | \$1,193,920 |
| 041-500801 | Audit Fund Set Aside | \$0 | \$11,931 | \$11,931 |
| 046-500462 | Consultants | \$0 | \$1 | \$1 |
| 047-500240 | Own Forces Maintenance (Bldg-Grnds) | \$0 | \$1 | \$1 |
| 048-500226 | Contract Repairs;Bldg. Grounds | \$0 | \$1 | \$1 |
| 102-500731 | Contracts for Program Services | \$0 | \$11,931,195 | \$11,931,195 |
| | Total Expenses | \$0 | \$13,137,051 | \$13,137,051 |

EXPLANATION

The Department is requesting to accept and expend American Rescue Plan Act (ARPA) funding to improve the following services within the Mental Health System of New Hampshire. These services and improvements are an eligible use of ARPA FRF funds because they will provide additional resources for safe, behavioral health treatment, a use specifically identified in the non-exclusive list of uses that address effects of the COVID-19 public health emergency in the Treasury Interim Rule and are related to COVID-19 as set forth in the attached Executive order 2021-09.

1. Psychiatric Long Term Care & Assisted Living Expansion

- a. The Department requests to utilize American Rescue Plan Act (ARPA) funds to establish capacity for long term care behavioral health beds at nursing and assisted living facilities for patients currently residing at New Hampshire Hospital and Glencliff Home for the Elderly (Glencliff). The identified patients are in stable condition and ready to be transferred, but need the continued support offered in a nursing facility or assisted living facility setting. The Department will use APRA funds to reserve the designated beds for one year at a rate of \$45,000 per bed, and pay the nursing facilities and assisted living facilities a special case per diem rate of \$289.12. The Department estimates that there is a need for 24 or more nursing or assisted living facility beds for patients ready to transfer. ARPA funding is needed to immediately enter into contracts to comply with the Supreme Court ruling and expedite transitions from New Hampshire Hospital and Glencliff Home, which have been delayed due to the COVID-19 pandemic.

| Activity Code | Description |
|-----------------|-------------|
| 00FRF602PH9501B | BHIP- LTCI |

2. Expansion of Transitional Housing Scope of Services at the PATH Center

- a. In FY2021, the Department opened the PATH Center, a 16 bed transitional housing facility, adjacent to New Hampshire Hospital. The facility’s current scope of services is primarily focused on patients at New Hampshire Hospital whom are ready for discharge, but are awaiting housing resources to be available. The Department is requesting to use ARPA funds to modify the facility, and increase staffing at the PATH Center, allowing for the scope of services of the facility to expand, which will allow for the inclusion of additional patient populations whom can be discharged from New Hampshire Hospital. If approved, staffing would be rapidly increased using contracted nursing staff, ensuring a high degree of quality and safety is maintained for residents of this program.

| Activity Code | Description |
|-----------------|-----------------|
| 00FRF602PH9501D | BHIP-PATH-Staff |
| 00FRF602PH9501E | BHIP-PATH-Reno |

3. Psychiatric Care Expansion for Children

- a. The Department intends to contract with out-of-state Providers for 10-15 inpatient psychiatric beds for children. Existing Medicaid Designated Receiving Bed Rates will be used to pay for qualified services rendered, and the Department is requesting ARPA funding to pay for uncompensated care that may be incurred by out-of-state Providers at a rate of \$750/day. This methodology is consistent

with the contract established with Hampstead Hospital, whereby the Department pays for uncompensated care.

b.

| Activity Code | Description |
|-----------------|---------------------|
| 00FRF602PH9501C | BHIP-Childrens Svcs |

4. Psychiatric Care Expansion for Adults (Designated Receiving Facilities)


- a. The Department requests APRA funding to contract and establish a minimum of 20 Designated Receiving Facility (DRF) beds in the State of New Hampshire. Organizations whom establish new DRF beds would be paid \$200,000 per bed using ARPA funding, with the stipulation that the beds remain available for involuntary emergency admissions for a period of 18 months.
- b. Acute Care Hospitals in New Hampshire that add DRF acute care beds will be reimbursed for each patient admission at the DRF peer group six level fee schedule already in effect. Providers whom admit non-Medicaid patients without insurance will utilize the Medicaid fee schedule as contractual rates. This information (Section 5-c) has been provided as additional context, but does not require additional funding through ARPA.

| Activity Code | Description |
|-----------------|--------------|
| 00FRF602PH9501A | BHIP-DRF-New |

In summary, additional funding is requested to aid the Department in making rapid, marked improvement relative to access to mental health services in the State of New Hampshire. The Source of Funds is 100% Federal Funds.

In the event that these Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,


Lori A. Shibinette
Commissioner



CHRISTOPHER T. SUNUNU
Governor

**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

**STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR**

Executive Order 2021-09

**An order directing additional actions to address the mental health crisis in the
State of New Hampshire**

WHEREAS, the COVID-19 pandemic has created a mental health crisis across the country, leading to substantial documented increases in depression or anxiety in adults, and increases in the number of adults and children going to emergency departments for mental health services; and

WHEREAS, during the height of the COVID-19 pandemic, treatment options were limited, including a limitation on the number of emergency psychiatric beds and community-based services, which further exacerbated the growing mental health crisis; and

WHEREAS, the negative repercussions of the COVID-19 pandemic have led to an increase in the number of individuals seeking treatment and with fewer community-based options available, there has been an increase in the number of individuals in need of an emergency psychiatric bed; and

WHEREAS, early on during the COVID-19 pandemic there was no waitlist for patients in need of a bed at any state facility for those citizens necessitating mental health treatment; and

WHEREAS, the State of New Hampshire is committed to ensure all New Hampshire citizens have appropriate and adequate access to comprehensive community-based mental health prevention and treatment services; and

WHEREAS, given the present circumstances there is an urgent need for all partners in the mental health community to accelerate their work and demonstrate flexibility in providing these much-needed services.

NOW THEREFORE, I, CHRISTOPHER T. SUNUNU, GOVERNOR of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution, do hereby order, effective immediately, that:

1. The State of New Hampshire take immediate, targeted, and direct action to ensure there is a system in place to help individuals in mental health crisis have timely and appropriate medical care.
2. The Department of Health and Human Services is hereby authorized and directed to create emergency administrative rules to immediately increase access to services in order to address the mental health crisis in the State of New Hampshire, including requirements for policies and standards by which a hospital must treat patients with mental health concerns.
3. The Department of Health and Human Services is hereby authorized and directed to implement through their licensing rules, emergency administrative rules to clarify the roles New Hampshire hospitals have in caring for those patients who present at a hospital with mental health concerns, including a requirement for hospitals to be in compliance with RSA 135-C.
4. The Department of Health and Human Services is hereby authorized and directed to review all mental health services in the State of New Hampshire to determine if current providers are equipped to meet the needs of New Hampshire citizens and where necessary, identify new and/or alternative providers.
5. The Department of Health and Human Services is hereby authorized and directed to expand the number of Designated Receiving Facility ("DRF") beds on an expedited basis.
6. The Department of Health and Human Services is hereby authorized and directed to work with all providers and stakeholders to identify additional immediate actions to address this mental health crisis.
7. The Department of Health and Human Services is hereby authorized and directed to take lawful steps to ensure increased access and availability of community-based mental health services.

Given under my hand and seal at the Executive Chambers in Concord, this 13th day of May, in the year of Our Lord, two thousand and twenty-one, and the independence of the United States of America, two hundred and forty-five.



GOVERNOR OF NEW HAMPSHIRE