

# Bill as Introduced

SB 450-FN - AS INTRODUCED

2010 SESSION

10-2705  
01/10

SENATE BILL **450-FN**

AN ACT relative to costs and expenditures at the department of health and human services.

SPONSORS: Sen. Sgambati, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Gallus, Dist 1; Sen. Janeway, Dist 7

COMMITTEE: Finance

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ANALYSIS

This bill:

I. Consolidates the amount to be reduced by the department of health and human services, as required under HB 1-A of the 2009 legislative session, for the biennium instead of for each fiscal year.

II. Exempts certain rates for services, placements, and programs for children and families from RSA 541-A.

III. Clarifies the administration of the New Hampshire employment program.

IV. Makes the funded family assistance program (FANF) permissive rather than mandatory.

V. Requires recipients of medical assistance to name the department as beneficiary of all life insurance policies, except under certain circumstances.

VI. Clarifies services, placements, and programs for children in the state services system.

VII. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to costs and expenditures at the department of health and human services.

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

1 1 Department of Health and Human Services; Reduction in Appropriation. Amend 2009, 143:9  
2 to read as follows:

3 143:9 Department of Health and Human Services; Reduction in Appropriation. The department  
4 of health and human services is hereby directed to reduce state general fund appropriations from  
5 any line by [~~\$7,359,331 for the fiscal year ending June 30, 2010, and \$12,199,900 for the fiscal year~~]  
6 **\$19,559,231 for the biennium** ending June 30, 2011. Any direct services to New Hampshire  
7 citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of  
8 the general court and the governor and council. The department shall provide a quarterly report of  
9 reductions made under this section to the fiscal committee of the general court and the governor and  
10 council.

11 2 Department; Powers and Duties; Publication of Rates of Reimbursement Exempt From  
12 Rulemaking. Amend RSA 170-G:4, XVII to read as follows:

13 XVII. Establish rates for all services, placements and programs which are paid for by the  
14 department pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided  
15 by the department pursuant to paragraph II of this section. When educational aspects are present in  
16 any service, placement or program subject to rate-setting by the department, rates for the educational  
17 component shall be addressed jointly by the department and the department of education.  
18 ***Publication of rates of reimbursement shall be exempt from the provisions of RSA 541-A.***

19 3 New Paragraph; Administrative Procedure Act; Exception Added. Amend RSA 541-A:21 by  
20 inserting after paragraph VI the following new paragraph:

21 VII. RSA 170-G:4, XVII, relative to the publication of rates for services, placements, and  
22 programs which are paid for by the department of health and human services pursuant to RSA 169-  
23 B:40, RSA 169-C:27, and RSA 169-D:29 shall be exempt from RSA 541-A.

24 4 Administration of the New Hampshire Employment Program; Duties; Rulemaking. Amend  
25 RSA 167:83, V to read as follows:

26 V. The commissioner [~~shall~~] **may** enter into an agreement or contract with the commissioner of  
27 the department of employment security to carry out the employment program and may delegate  
28 authority and duties for the employment program to the commissioner of the department of employment  
29 security and other state agencies. The commissioner shall adopt rules for the employment program [~~in  
30 consultation with the commissioner of the department of employment security~~].

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1       5 Non-TANF Funded Program for 2-Parent Families With Dependent Children. Amend  
2 RSA 167:77-e to read as follows:

3       167:77-e Assistance Program for 2-Parent Families with Dependent Children. [~~By October 1,~~  
4 ~~2008,~~] The department [~~shall~~] *may* establish a non-TANF, state-funded financial assistance program  
5 for 2-parent needy families with dependent children in which one parent is underemployed or  
6 unemployed. With the exception of parental underemployment or unemployment, client eligibility  
7 and program requirements and administration shall be in accordance with this chapter and the rules  
8 adopted under this chapter. In order to meet the federal work participation rate and avoid federally-  
9 imposed penalties, the commissioner may add additional groups of families to this state-funded,  
10 financial assistance program as funding permits and also may transfer cases back to the TANF  
11 program, pursuant to rules adopted under RSA 541-A.

12       6 Eligibility for Medical Assistance. Amend RSA 167:4, IV(c) to read as follows:

13           (c) Notwithstanding any provision of law to the contrary, for purposes of medicaid  
14 eligibility, investment in life insurance policies with cash surrender, *benefit, or face* value in excess  
15 of \$1,500 shall be limited to policies that ensure payment to the state of New Hampshire of all the  
16 proceeds of the policy in excess of amounts spent on burial up to the total of medicaid expenditures  
17 made on behalf of the individual, *except that life insurance policies which name the Medicaid*  
18 *recipient's spouse who remains living in the community as the only beneficiary shall be*  
19 *exempt from this eligibility requirement.*

20       7 New Section; Delinquent Children; Determination of Appropriate Services Placements, and  
21 Programs. Amend RSA 169-B by inserting after section 19-c the following new section:

22       169-B:19-d Determination of Appropriate Services, Placements, and Programs.  
23 Notwithstanding any provision of law to the contrary, the court shall, at the dispositional hearing  
24 under RSA 169-B:19, order the services, placements, and programs as recommended by the  
25 department under RSA 169-B:19, I(c) and RSA 169-B:19, I(f). Forty-five days from the dispositional  
26 hearing, or at any time thereafter, the court may, after hearing and in its discretion, review or  
27 modify the order for services, placements, or programs provided to the minor or the minor's family  
28 under this section.

29       8 New Section; Child Protection Act; Determination of Appropriate Services, Placements, and  
30 Programs. Amend RSA 169-C by inserting after section 19-e the following new section:

31       169-C:19-f Determination of Appropriate Services, Placements, and Programs. Notwithstanding  
32 any provision of law to the contrary, the court shall, at the dispositional hearing under RSA 169-  
33 C:19, order the services, placements and programs as recommended by the department under  
34 RSA 169-C:19, I (b), (c) and (d), RSA 169-C:19, III (a), and RSA 169-C:19, IV. Forty-five days from  
35 the dispositional hearing, or at any time thereafter, the court may, after hearing and in its  
36 discretion, and notwithstanding RSA 169-C:22, review or modify the order for services, placements,  
37 or programs provided to the child or the child's family under this section.

1       9   New Section; Children in Need of Services; Determination of Appropriate Services,  
2   Placements, and Programs. Amend RSA 169-D by inserting after section 17-c the following new  
3   section:

4       169-D:17-d     Determination of Appropriate Services, Placements, and Programs.  
5   Notwithstanding any provision of law to the contrary, the court shall, at the dispositional hearing  
6   under RSA 169-D:17, order the services, placements, and programs as recommended by the  
7   department under RSA 169-D:17, I (a)(1), RSA 169-D:17, I(b)(2), and RSA 169-D:17, I(e). Forty-five  
8   days from the dispositional hearing, or at any time thereafter, the court may, after hearing and in its  
9   discretion, and notwithstanding RSA 169-D:19, review or modify the order for services, placements,  
10   or programs provided to the child or the child's family under this section.

11       10   Report Required. On or before November 1, 2011, the department of health and human  
12   services and the administrative office of the district and family division courts shall file a report on  
13   the efficacy of the process established under RSA 169-B:19-d, RSA 169-C:19-f, and RSA 169-D:17-d  
14   for the delivery of timely and cost effective services, placements, and programs for children and their  
15   families. The report shall be filed with the speaker of the house of representatives, the president of  
16   the senate, the governor, the chairperson of the house children and family law committee, the house  
17   clerk, the senate clerk and the state library and shall make recommendations, if appropriate, for  
18   future legislation to address these issues.

19       11   Authorizing the Department of Health and Human Services to File Claims for Medical and  
20   Financial Assistance Against Abandoned Property Held by the Treasury; Filing of Claim With  
21   Administrator. Amend RSA 471-C:26, I(c)(2)(3) to read as follows:

22               (2) *Except as provided in subparagraphs (5)-(7)*, in the case of a closed estate  
23   where the unclaimed property is valued at less than \$5,000 and does not include securities in share  
24   form, in accordance with the final distribution of assets as approved by the probate court.

25               (3) *Except as provided in subparagraphs (5)-(7)*, in the absence of an open  
26   estate or probate court decree of final distribution, and the unclaimed property is valued at less than  
27   \$5,000 and does not include securities in share form, by the surviving spouse of the deceased owner,  
28   or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
29   RSA 561:1.

30       12   New Subparagraphs; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c) by  
31   inserting after subparagraph (4) the following new subparagraphs:

32               (5) Before distributing any unclaimed property pursuant to subparagraphs (2) and  
33   (3), the administrator shall first ensure that the department of health and human services does not  
34   have a claim for medical and or financial assistance paid on behalf of the deceased owner.

35               (6) In the event that the department of health and human services has a claim for  
36   medical and or financial assistance paid on behalf of the deceased owner, the department may submit a  
37   claim for such assistance using an affidavit developed by the administrator that ensures that:

1 (A) No individual has moved to probate the deceased owner's estate through  
2 which the department could assert its claim or probate administration for the deceased owner had  
3 been open and no individual has moved to reopen the estate through which the department could  
4 assert its claim;

5 (B) The department does not believe, based on the information available to it,  
6 there are known expenses for the deceased owner's necessary funeral and burial; and

7 (C) Based on all facts known to the department, its recovery of this abandoned  
8 property is not limited by the prohibitions to recovery as set forth in 42 U.S.C. section 1396p and  
9 RSA 167:16-a, IV.

10 (7) If the department of health and human services has made a claim against a  
11 deceased owner's unclaimed property as provided in subparagraph (6), under no circumstances shall  
12 the administrator distribute to the department more than the claimed amount.

13 13 Repeal. 2009, 144:211, relative to community mental health centers; administrative  
14 requirements suspended, is repealed.

15 14 Effective Date. This act shall take effect upon its passage.

LBAO  
10-2705  
01/13/10

**SB 450-FN - FISCAL NOTE**

**AN ACT** relative to costs and expenditures at the department of health and human services.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

# Amendments

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7

Draft Amendment to SB 450-FN

1 Amend the bill by deleting section 1 and renumbering the original sections 2-14 to read as 1-13,  
2 respectively.

3

4 Amend the bill by replacing all after section 12 with the following:

5

6 13 Department of Health and Human Services; Transfer Among Accounts. Amend 2009, 144:39,  
7 III to read as follows:

8 III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the  
9 contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court  
10 and governor and council, for the biennium ending June 30, 2011, the commissioner of the  
11 department of health and human services is hereby authorized to transfer funds within and among  
12 all PAUs within the department, as the commissioner deems necessary and appropriate to address  
13 present or projected budget deficits, or to respond to changes in federal laws, regulations, or  
14 programs, and otherwise as necessary for the efficient management of the department[~~with the~~  
15 ~~exception of class 60 transfers~~].

16 14 Lead Paint Poisoning Prevention and Control; Rulemaking. Amend RSA 130-A:10, IV to read  
17 as follows:

18 IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors,  
19 lead abatement contractors, for certification of lead abatement workers and lead clearance testing  
20 technicians, for testing resulting from investigations, for certifications of training programs, *exam*  
21 *and training fees*, [and] for notifications under RSA 130-A, *and other environmental fees*.  
22 Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure  
23 which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall  
24 only be valid for work on dwellings or dwelling units owned by such license holder.

25 15 Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:

26 130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning  
27 prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of  
28 fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and  
29 shall be used to implement and encourage lead paint removal and education, *and to support*  
30 *program staff and administrative costs*. The fund shall be nonlapsing and shall be continually  
31 appropriated to the commissioner of the department of health and human services for the purposes  
32 of this chapter.

1           16 New Paragraph; Department of Health and Human Services; Duties of the Department.  
2 Amend RSA 161:2 by inserting after paragraph XVII the following new paragraph:

3           XVIII. Refugee Resettlement. Administer the New Hampshire refugee resettlement  
4 program as funded by and in cooperation with the United States Department of Health and Human  
5 Services under the Refugee Act of 1980.

6           17 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
7 I(a)(3) to read as follows:

8                   (3) Required to furnish proof of successful completion of an impaired driver  
9 intervention program prior to the restoration of the person's driver's license or privilege to drive,  
10 provided that, if the person has previously completed, or been required by a court or the department  
11 of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in  
12 any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple  
13 DWI offender intervention [~~detention-center~~] program (M.O.P.) or an equivalent 7-day residential  
14 intervention program approved by the commissioner of health and human services;

15           18 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
16 I(b)(3) to read as follows:

17                   (3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which  
18 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive  
19 days shall be served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention~~  
20 ~~center~~] **program** established under RSA 265-A:40, which sentence shall begin no later than [21] 45  
21 days after conviction. In the event that the [~~state-operated~~] 7-day multiple DWI offender  
22 intervention [~~detention-center~~] **program** has no available space, the person shall be assigned to an  
23 equivalent 7-day residential intervention program approved by the commissioner of health and  
24 human services. The person shall begin following any treatment recommendations arising out of the  
25 final evaluation given to the person at the multiple DWI offender intervention [~~detention-center~~]  
26 **program** or equivalent program within 60 days after the person has completed serving the required  
27 7 consecutive days or such other time as the court may order;

28           19 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
29 I(c)(3) to read as follows:

30                   (3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which  
31 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7  
32 consecutive days served at the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention~~  
33 ~~center~~] **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days  
34 after conviction. In the event that the [~~state-operated~~] 7-day multiple DWI offender intervention  
35 [~~detention-center~~] **program** has no available space the person shall be assigned to an equivalent 7-  
36 day residential intervention program approved by the commissioner of health and human services,  
37 and the remainder of the sentence may be deferred at the court's discretion. The person shall begin

1 following any treatment recommendations arising out of the final evaluation given to the person at  
2 the multiple DWI offender intervention [~~detention-center~~] **program** or equivalent program within 60  
3 days after the person has completed serving the required 7 consecutive days or such other time as  
4 the court may order. The court may, at the satisfactory completion of any ordered treatment,  
5 suspend any remaining deferred sentence. Failure to successfully complete any court-ordered  
6 intervention program or recommended treatment shall result in the imposition of any remaining  
7 deferred sentence; and

8 20 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
9 IV(a)(3)-(5) to read as follows:

10 (3)(A) If the complaint alleges that the prior conviction occurred within 2 years  
11 preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of  
12 not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the  
13 county correctional facility followed by 7 consecutive days to be served at the [~~state-operated~~] 7-day  
14 multiple DWI offender intervention [~~detention-center~~] **program** established under RSA 265-A:40  
15 within 21 days after conviction, except that in circumstances where the [~~state-operated~~] 7-day  
16 multiple DWI offender intervention [~~detention-center~~] **program** has no available space the person  
17 shall be assigned to an equivalent 7-day residential intervention program approved by the  
18 commissioner of health and human services. The person shall begin following any treatment  
19 recommendations arising out of the final evaluation given to the person at the multiple DWI offender  
20 intervention [~~detention-center~~] **program** or equivalent program within 60 days after the person has  
21 completed serving the required 30 consecutive 24-hour periods or such other time as the court may  
22 order.

23 (B) If the complaint alleges that the prior conviction occurred more than 2 but  
24 not more than 10 years preceding the date of the second offense, the person shall be sentenced to a  
25 mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall  
26 be served in the county correctional facility and 7 consecutive days shall be served at the [~~state-~~  
27 ~~operated~~] 7-day multiple DWI offender intervention [~~detention-center~~] **program** established under  
28 RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that  
29 the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention-center~~] **program** has no  
30 available space the person shall be assigned to an equivalent 7-day residential intervention program  
31 approved by the commissioner of health and human services. The person shall begin following any  
32 treatment recommendations arising out of the final evaluation given to the person at the multiple  
33 DWI offender intervention [~~detention-center~~] **program** or equivalent program within 60 days after  
34 the person has completed serving the required 7 consecutive days or such other time as the court  
35 may order.

36 (4) The person's driver's license or privilege to drive shall be revoked for not less  
37 than 3 years.

1           (5) The person shall pay a fee to the commissioner, as established under RSA 126-  
2 A:43, for the costs of the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention-center~~]  
3 program prior to license restoration. If the person attends an approved equivalent 7-day residential  
4 intervention program, the fees and costs shall be paid to the program.

5           21 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
6 VI to read as follows:

7           VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the  
8 conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV,  
9 but the person is found to have had one or more such prior convictions in this state or in an out-of-  
10 state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or  
11 privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good  
12 cause found by the court and noted in writing, the court may suspend up to 6 months of this  
13 sentence, provided that within 45 days after conviction the person has entered the 7-day program at  
14 the [~~state-operated~~] multiple DWI offender intervention [~~detention-center~~] program or an equivalent  
15 7-day residential intervention program approved by the commissioner of health and human services,  
16 as provided in RSA 265-A:40 and RSA 265-A:42. The person's license shall not be restored until the  
17 person has successfully completed the program. The court may further order attendance at a  
18 residential treatment center, for a period not to exceed 30 days, at the person's own expense.

19           22 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
20 XI to read as follows:

21           XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II,  
22 and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or  
23 operating or attempting to operate a boat was transporting a person under the age of 16, shall have  
24 the driver's license or privilege to drive revoked for the maximum time period under the section  
25 violated and the person's license or privilege to drive shall not be restored until the offender has  
26 successfully completed a 7-day program at the [~~state-operated~~] multiple DWI offender program or an  
27 equivalent 7-day residential intervention program approved by the commissioner at the person's own  
28 expense.

29           23 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:

30           II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation  
31 was transporting a person under the age of 16 shall not operate a boat on the waters of this state  
32 until the offender has successfully completed a 7-day program at the [~~state-operated~~] multiple DWI  
33 offender program or an equivalent 7-day residential intervention program approved by the  
34 department of health and human services at the person's own expense. Any person operating a boat  
35 in violation of this paragraph is guilty of a misdemeanor.

36           24 Impaired Driver Intervention Programs. Amend RSA 265-A:39, I to read as follows:

37           I. Except as provided in paragraph IV, the commissioner of the department of health and

1 human services shall be responsible for biennially approving the impaired driver intervention  
2 programs and 7-day residential intervention programs equivalent to the multiple DWI offender  
3 intervention [~~detention-center~~] program (M.O.P.) which persons convicted under RSA 265-A:2 or  
4 RSA 265-A:3 shall attend in order to regain their driver's licenses or driving privileges; but the  
5 commissioner of the department of health and human services shall not approve any impaired driver  
6 intervention program unless such program is conducted without cost to the state. Notwithstanding  
7 RSA 6:12, any fees collected under subparagraph IV(g) of this section shall be placed in a nonlapsing  
8 revolving account and shall be used by the commissioner for the purposes of this subdivision only.

9 25 Multiple DWI Offender Intervention Program. RSA 265-A:40 is repealed and reenacted to  
10 read as follows:

11 265-A:40 Multiple DWI Offender Intervention Program.

12 I. The commissioner of the department of health and human services shall be responsible for  
13 the establishment and administration of the 7-day multiple DWI offender intervention program  
14 which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2,  
15 V(h) may be required to attend. The commissioner shall have the authority to directly operate the  
16 program, to approve community-based providers to operate the program in accordance with rules  
17 adopted pursuant to RSA 541-A, or to contract with public or private entities to operate the program.

18 II. Any person who attends the 7-day multiple DWI offender intervention program shall be  
19 required to pay the fees for the program to the department of health and human services. Full  
20 payment shall be made in advance unless the person has entered into a payment plan contract with  
21 the office of reimbursements prior to entry into the program. Payment of all fees shall be made no  
22 later than one year after completion of the program. The fees shall be sufficient to make the  
23 program self-supporting, exclusive of start-up costs. The fees collected shall be deposited in a special  
24 account in the office of the state treasurer and utilized as provided in RSA 265-A:41.

25 III. The 7-day multiple DWI offender intervention program shall furnish to the courts a  
26 report indicating when a person has completed attendance at the program, and shall furnish to the  
27 division of motor vehicles, department of safety, a report indicating when a person who attends the  
28 program pursuant to RSA 265-A:18 has successfully completed the program and treatment or  
29 involvement in a substance abuse program when appropriate and warranted.

30 IV. The commissioner of the department of health and human services shall adopt rules,  
31 pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention  
32 program with respect to:

33 (a) Program curriculum and content.

34 (b) Any other matter related to the proper administration of this section.

35 26 Impaired Driver Intervention Programs; Utilization of Funds. Amend RSA 265-A:41 to read  
36 as follows:

37 265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of

1 the department of health and human services under RSA 265-A:18 shall be paid over to the state  
2 treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate  
3 account in the treasury known as the 7-day multiple DWI offender intervention [~~detention-center~~]  
4 program account. These funds are appropriated as indicated in the operating budget as a source of  
5 funds for the 7-day multiple DWI offender intervention [~~detention-center~~] program. Any funds  
6 remaining in the account over the appropriation indicated in the operating budget shall lapse into  
7 the general fund at the end of each fiscal year.

8 27 Impaired Driver Intervention Programs; Attendance Required. Amend RSA 265-A:42, IV(b)  
9 to read as follows:

10 (b) In the case of enrollment in the [~~state-operated~~] 7-day multiple DWI offender  
11 intervention [~~detention-center~~] **program**, a person shall provide such certified copy at the time of  
12 enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.

13 28 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows:

14 (h) In cases of a person convicted of a felony or class A misdemeanor, a court may  
15 sentence such person to 7 consecutive 24-hour periods to be served at the [~~state-operated~~] 7-day  
16 multiple DWI offender intervention [~~detention-center~~] program established under RSA 265-A:40, if  
17 the evidence demonstrates that alcohol was a contributing factor in the commission of the offense  
18 and provided that space is available in the program and such person pays the fees for the program in  
19 full prior to admission.

20 29 Report Required. The commission to examine driving while impaired education and  
21 intervention programs shall, pursuant to the authority under 2008, 256:10, as extended by 2009,  
22 202:5, study the penalties for intoxication or under the influence of drugs offenses, including but not  
23 limited to the multiple DWI offender intervention program. Based upon available research and data,  
24 the commission shall review and evaluate the merits of the penalties and the program in order to  
25 develop recommendations on these issues. On or before November 1, 2010, the commission shall  
26 report its findings to the governor's commission on alcohol and drug abuse prevention, intervention,  
27 and treatment, the speaker of the house of representatives, the president of the senate, the  
28 commissioner of the department of health and human services, the house clerk, the senate clerk, the  
29 state library, and the governor and shall make recommendations, if appropriate, for future  
30 legislation to address these issues.

31 30 State Treasurer; Application of Receipts. Amend RSA 6:12, I (b)(147) to read as follows:

32 (147) Moneys deposited in the 7-day multiple DWI offender intervention [~~detention~~  
33 ~~center~~] program account under RSA 265-A:41.

34 31 Department of Health and Human Services; Office of Reimbursements; Duties. Amend RSA  
35 126-A:34, I(a) to read as follows:

36 (a) Review and investigate all records of the New Hampshire hospital, Laconia  
37 developmental services, the secure psychiatric unit, the Glencliff home, the Anna Philbrook center,

1 and the multiple DWI offender intervention [~~detention-center~~] program (M.O.P.), relative to  
2 expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or  
3 expenses incurred by patients, residents, or clients receiving care, treatment, services, or  
4 maintenance at the direction of the commissioner of health and human services, and make  
5 recommendations to the commissioner and to the respective superintendents or directors of such  
6 institutions, facilities, or programs as to the rates to be charged for the care, treatment, and  
7 maintenance of such patients, residents, or clients.

8 32 Department of Health and Human Services; Office of Reimbursements; Financial  
9 Statements. Amend RSA 126-A:38, II-III to read as follows:

10 II. Persons admitted to the multiple DWI offender intervention [~~detention-center~~] program  
11 (M.O.P.) who do not pay program fees in full at the time of admission shall file a financial statement  
12 under penalty of perjury on forms provided for this purpose by the office of reimbursements and  
13 shall enter a payment contract for balance of fees due. The office of reimbursements shall be entitled  
14 to recover reasonable attorneys fees and costs of collection for program fees not paid in accordance  
15 with a payment contract.

16 III. Persons admitted to the multiple DWI offender intervention [~~detention-center~~] program  
17 (M.O.P.) shall notify the office of reimbursements of each change of mail address and actual street  
18 address until that person has made payment in full of fees due in accordance with an M.O.P.  
19 payment contract. Whenever notice to a person subject to a payment contract is required, notice to  
20 the last mail address on file with the office of reimbursements shall be deemed notice to and binding  
21 on the payer.

22 33 Effective Date. This act shall take effect upon its passage.

2010-0646s

AMENDED ANALYSIS

This bill:

I. Consolidates the amount to be reduced by the department of health and human services, as required under HB 1-A of the 2009 legislative session, for the biennium instead of for each fiscal year.

II. Exempts certain rates for services, placements, and programs for children and families from RSA 541-A.

III. Clarifies the administration of the New Hampshire employment program.

IV. Makes the funded family assistance program (FANF) permissive rather than mandatory.

V. Requires recipients of medical assistance to name the department as beneficiary of all life insurance policies, except under certain circumstances.

VI. Clarifies services, placements, and programs for children in the state services system.

VII. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

VIII. Authorizes the commissioner of the department of health and human services to transfer funds within and among all PAUs within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

IX. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

X. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

XI. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

XII. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.



Adopted

Sonja's copy

Amendment to SB 450-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to costs and expenditures at the department of health and human  
4 services, establishing a special fund for certain civil fines collected by the  
5 department, and relative to the due date for the Medicaid enhancement tax.  
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Department; Powers and Duties; Publication of Rates of Reimbursement Exempt From  
10 Rulemaking. Amend RSA 170-G:4, XVII to read as follows:

11 XVII. Establish rates for all services, placements and programs which are paid for by the  
12 department pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided  
13 by the department pursuant to paragraph II of this section. When educational aspects are present in  
14 any service, placement or program subject to rate-setting by the department, rates for the educational  
15 component shall be addressed jointly by the department and the department of education.  
16 **Publication of rates of reimbursement shall be exempt from the provisions of RSA 541-A.**

17 2 New Paragraph; Administrative Procedure Act; Exception Added. Amend RSA 541-A:21 by  
18 inserting after paragraph VI the following new paragraph:

19 VII. RSA 170-G:4, XVII, relative to the publication of rates for services, placements, and  
20 programs which are paid for by the department of health and human services pursuant to RSA 169-  
21 B:40, RSA 169-C:27, and RSA 169-D:29 shall be exempt from RSA 541-A.

22 3 Administration of the New Hampshire Employment Program; Duties; Rulemaking. Amend  
23 RSA 167:83, V to read as follows:

24 V. The commissioner [~~shall~~] **may** enter into an agreement or contract with the commissioner of  
25 the department of employment security to carry out the employment program and may delegate  
26 authority and duties for the employment program to the commissioner of the department of employment  
27 security and other state agencies. The commissioner shall adopt rules for the employment program [~~in~~  
28 ~~consultation with the commissioner of the department of employment security~~].

29 4 Non-TANF Funded Program for 2-Parent Families With Dependent Children. Amend  
30 RSA 167:77-e to read as follows:

31 167:77-e Assistance Program for 2-Parent Families with Dependent Children. [~~By October 1,~~  
32 ~~2008,~~] The department [~~shall~~] **may** establish a non-TANF, state-funded financial assistance program  
33 for 2-parent needy families with dependent children in which one parent is underemployed or

1 unemployed. With the exception of parental underemployment or unemployment, client eligibility  
2 and program requirements and administration shall be in accordance with this chapter and the rules  
3 adopted under this chapter. In order to meet the federal work participation rate and avoid federally-  
4 imposed penalties, the commissioner may add additional groups of families to this state-funded,  
5 financial assistance program as funding permits and also may transfer cases back to the TANF  
6 program, pursuant to rules adopted under RSA 541-A.

7 5 Eligibility for Medical Assistance. Amend RSA 167:4, IV(c) to read as follows:

8 (c) Notwithstanding any provision of law to the contrary, for purposes of medicaid  
9 eligibility, investment in life insurance policies with cash surrender, *benefit, or face* value in excess  
10 of \$1,500 shall be limited to policies that ensure payment to the state of New Hampshire of all the  
11 proceeds of the policy in excess of amounts spent on burial up to the total of medicaid expenditures  
12 made on behalf of the individual, *except that life insurance policies which name the Medicaid*  
13 *recipient's spouse who remains living in the community or recipient's disabled child who is*  
14 *under the age of 65 as the only beneficiary or beneficiaries shall be exempt from this*  
15 *eligibility requirement.*

16 6 Authorizing the Department of Health and Human Services to File Claims for Medical and  
17 Financial Assistance Against Abandoned Property Held by the Treasury; Filing of Claim With  
18 Administrator. Amend RSA 471-C:26, I(c)(2)(3) to read as follows:

19 (2) *Except as provided in subparagraphs (5)-(7)*, in the case of a closed estate  
20 where the unclaimed property is valued at less than \$5,000 and does not include securities in share  
21 form, in accordance with the final distribution of assets as approved by the probate court.

22 (3) *Except as provided in subparagraphs (5)-(7)*, in the absence of an open  
23 estate or probate court decree of final distribution, and the unclaimed property is valued at less than  
24 \$5,000 and does not include securities in share form, by the surviving spouse of the deceased owner,  
25 or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of  
26 RSA 561:1.

27 7 New Subparagraphs; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c) by  
28 inserting after subparagraph (4) the following new subparagraphs:

29 (5) Before distributing any unclaimed property pursuant to subparagraphs (2) and  
30 (3), the administrator shall first ensure that the department of health and human services does not  
31 have a claim for medical and or financial assistance paid on behalf of the deceased owner.

32 (6) In the event that the department of health and human services has a claim for  
33 medical and or financial assistance paid on behalf of the deceased owner, the department may submit a  
34 claim for such assistance using an affidavit developed by the administrator that ensures that:

35 (A) No individual has moved to probate the deceased owner's estate through  
36 which the department could assert its claim or probate administration for the deceased owner had  
37 been open and no individual has moved to reopen the estate through which the department could

1 assert its claim;

2 (B) The department does not believe, based on the information available to it,  
3 there are known expenses for the deceased owner's necessary funeral and burial; and

4 (C) Based on all facts known to the department, its recovery of this abandoned  
5 property is not limited by the prohibitions to recovery as set forth in 42 U.S.C. section 1396p and  
6 RSA 167:16-a, IV.

7 (7) If the department of health and human services has made a claim against a  
8 deceased owner's unclaimed property as provided in subparagraph (6), under no circumstances shall  
9 the administrator distribute to the department more than the claimed amount.

10 8 Repeal. 2009, 144:211, relative to community mental health centers; administrative  
11 requirements suspended, is repealed.

12 9 Department of Health and Human Services; Transfer Among Accounts. Amend 2009, 144:39,  
13 III to read as follows:

14 III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the  
15 contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court  
16 and governor and council, for the biennium ending June 30, 2011, the commissioner of the  
17 department of health and human services is hereby authorized to transfer funds within and among  
18 all PAUs within the department, as the commissioner deems necessary and appropriate to address  
19 present or projected budget deficits, or to respond to changes in federal laws, regulations, or  
20 programs, and otherwise as necessary for the efficient management of the department, ~~with the~~  
21 ~~exception of class 60 transfers~~.  
time limit for authority

has to do  
with budget  
already  
made

22 10 Lead Paint Poisoning Prevention and Control; Rulemaking. Amend RSA 130-A:10, IV to read  
23 as follows:

24 IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors,  
25 lead abatement contractors, for certification of lead abatement workers and lead clearance testing  
26 technicians, for testing resulting from investigations, for certifications of training programs, *exam*  
27 *and training fees*, [and] for notifications under RSA 130-A, *and other environmental fees*.  
28 Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure  
29 which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall  
30 only be valid for work on dwellings or dwelling units owned by such license holder.

allow to  
bring  
back  
staff

31 11 Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:

32 130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning  
33 prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of  
34 fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and  
35 shall be used to implement and encourage lead paint removal and education, *and to support*  
36 *program staff and administrative costs*. The fund shall be nonlapsing and shall be continually  
37 appropriated to the commissioner of the department of health and human services for the purposes

1 of this chapter.

2 12 New Paragraph; Department of Health and Human Services; Duties of the Department.  
3 Amend RSA 161:2 by inserting after paragraph XVII the following new paragraph:

4 XVIII. Refugee Resettlement. Administer the New Hampshire refugee resettlement  
5 program as funded by and in cooperation with the United States Department of Health and Human  
6 Services under the Refugee Act of 1980.

7 13 New Section; Special Fund; Civil Fines. Amend RSA 151 by inserting after section 16-a the  
8 following new section:

9 151:16-b Civil Fines. All administrative fines and other civil monetary penalties collected by the  
10 department from facilities licensed under this chapter shall be kept by the state treasurer in a  
11 separate, non-lapsing, interest bearing account. Interest earned on moneys deposited in the account  
12 shall be deposited into the account. The moneys in the account shall be used by the department for  
13 the protection of the health and property of residents of facilities licensed under this chapter.

14 14 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph  
15 (299) the following new subparagraph:

16 (300) Civil fines collected under RSA 151:16-b, which shall be deposited as provided  
17 in such section.

18 15 Eligibility for Services Under the Medicaid Waiver. Amend RSA 151-E:3, II to read as  
19 follows:

20 II. A person is eligible for services under the medicaid waiver if the person has been  
21 determined *clinically* eligible under RSA 151-E:3, I(a), *and financially eligible pursuant to*  
22 *rules adopted by the commissioner under RSA 541-A.*

23 16 Medicaid Enhancement Tax; Due Date. Amend RSA 84-A:3, II-a to read as follows:

24 II-a. For the taxable period beginning July 1, 1993, and for every taxable period thereafter,  
25 each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable  
26 period no later than the fifteenth day of the ~~[third]~~ *fourth* month of the taxable period.  
27 Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be  
28 imposed for failure to make payment of tax when due if such payment is made on or before the last  
29 day of the month in which such payment is due.

30 17 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
31 I(a)(3) to read as follows:

32 (3) Required to furnish proof of successful completion of an impaired driver  
33 intervention program prior to the restoration of the person's driver's license or privilege to drive,  
34 provided that, if the person has previously completed, or been required by a court or the department  
35 of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in  
36 any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple  
37 DWI offender intervention ~~[detention-center]~~ program (M.O.P.) or an equivalent 7-day residential

1 intervention program approved by the commissioner of health and human services;

2 18 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
3 I(b)(3) to read as follows:

4 (3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which  
5 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive  
6 days shall be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention~~  
7 ~~center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than ~~[21]~~ **45**  
8 days after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender  
9 intervention ~~[detention-center]~~ **program** has no available space, the person shall be assigned to an  
10 equivalent 7-day residential intervention program approved by the commissioner of health and  
11 human services. The person shall begin following any treatment recommendations arising out of the  
12 final evaluation given to the person at the multiple DWI offender intervention ~~[detention-center]~~  
13 **program** or equivalent program within 60 days after the person has completed serving the required  
14 7 consecutive days or such other time as the court may order;

15 19 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
16 I(c)(3) to read as follows:

17 (3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which  
18 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7  
19 consecutive days served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention~~  
20 ~~center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days  
21 after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender intervention  
22 ~~[detention-center]~~ **program** has no available space the person shall be assigned to an equivalent 7-  
23 day residential intervention program approved by the commissioner of health and human services,  
24 and the remainder of the sentence may be deferred at the court's discretion. The person shall begin  
25 following any treatment recommendations arising out of the final evaluation given to the person at  
26 the multiple DWI offender intervention ~~[detention-center]~~ **program** or equivalent program within 60  
27 days after the person has completed serving the required 7 consecutive days or such other time as  
28 the court may order. The court may, at the satisfactory completion of any ordered treatment,  
29 suspend any remaining deferred sentence. Failure to successfully complete any court-ordered  
30 intervention program or recommended treatment shall result in the imposition of any remaining  
31 deferred sentence; and

32 20 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
33 IV(a)(3)-(5) to read as follows:

34 (3)(A) If the complaint alleges that the prior conviction occurred within 2 years  
35 preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of  
36 not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the  
37 county correctional facility followed by 7 consecutive days to be served at the ~~[state-operated]~~ 7-day

1 multiple DWI offender intervention [~~detention-center~~] *program* established under RSA 265-A:40  
2 within 21 days after conviction, except that in circumstances where the [~~state-operated~~] 7-day  
3 multiple DWI offender intervention [~~detention-center~~] *program* has no available space the person  
4 shall be assigned to an equivalent 7-day residential intervention program approved by the  
5 commissioner of health and human services. The person shall begin following any treatment  
6 recommendations arising out of the final evaluation given to the person at the multiple DWI offender  
7 intervention [~~detention-center~~] *program* or equivalent program within 60 days after the person has  
8 completed serving the required 30 consecutive 24-hour periods or such other time as the court may  
9 order.

10 (B) If the complaint alleges that the prior conviction occurred more than 2 but  
11 not more than 10 years preceding the date of the second offense, the person shall be sentenced to a  
12 mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall  
13 be served in the county correctional facility and 7 consecutive days shall be served at the [~~state-~~  
14 ~~operated~~] 7-day multiple DWI offender intervention [~~detention-center~~] *program* established under  
15 RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that  
16 the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention-center~~] *program* has no  
17 available space the person shall be assigned to an equivalent 7-day residential intervention program  
18 approved by the commissioner of health and human services. The person shall begin following any  
19 treatment recommendations arising out of the final evaluation given to the person at the multiple  
20 DWI offender intervention [~~detention-center~~] *program* or equivalent program within 60 days after  
21 the person has completed serving the required 7 consecutive days or such other time as the court  
22 may order.

23 (4) The person's driver's license or privilege to drive shall be revoked for not less  
24 than 3 years.

25 (5) The person shall pay a fee to the commissioner, as established under RSA 126-  
26 A:43, for the costs of the [~~state-operated~~] 7-day multiple DWI offender intervention [~~detention-center~~]  
27 program prior to license restoration. If the person attends an approved equivalent 7-day residential  
28 intervention program, the fees and costs shall be paid to the program.

29 21 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
30 VI to read as follows:

31 VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the  
32 conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV,  
33 but the person is found to have had one or more such prior convictions in this state or in an out-of-  
34 state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or  
35 privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good  
36 cause found by the court and noted in writing, the court may suspend up to 6 months of this  
37 sentence, provided that within 45 days after conviction the person has entered the 7-day program at

1 the ~~[state-operated]~~ multiple DWI offender intervention ~~[detention-center]~~ program or an equivalent  
2 7-day residential intervention program approved by the commissioner of health and human services,  
3 as provided in RSA 265-A:40 and RSA 265-A:42. The person's license shall not be restored until the  
4 person has successfully completed the program. The court may further order attendance at a  
5 residential treatment center, for a period not to exceed 30 days, at the person's own expense.

6 22 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18,  
7 XI to read as follows:

8 XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II,  
9 and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or  
10 operating or attempting to operate a boat was transporting a person under the age of 16, shall have  
11 the driver's license or privilege to drive revoked for the maximum time period under the section  
12 violated and the person's license or privilege to drive shall not be restored until the offender has  
13 successfully completed a 7-day program at the ~~[state-operated]~~ multiple DWI offender program or an  
14 equivalent 7-day residential intervention program approved by the commissioner at the person's own  
15 expense.

16 23 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:

17 II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation  
18 was transporting a person under the age of 16 shall not operate a boat on the waters of this state  
19 until the offender has successfully completed a 7-day program at the ~~[state-operated]~~ multiple DWI  
20 offender program or an equivalent 7-day residential intervention program approved by the  
21 department of health and human services at the person's own expense. Any person operating a boat  
22 in violation of this paragraph is guilty of a misdemeanor.

23 24 Impaired Driver Intervention Programs. Amend RSA 265-A:39, I to read as follows:

24 I. Except as provided in paragraph IV, the commissioner of the department of health and  
25 human services shall be responsible for biennially approving the impaired driver intervention  
26 programs and 7-day residential intervention programs equivalent to the multiple DWI offender  
27 intervention ~~[detention-center]~~ program (M.O.P.) which persons convicted under RSA 265-A:2 or  
28 RSA 265-A:3 shall attend in order to regain their driver's licenses or driving privileges; but the  
29 commissioner of the department of health and human services shall not approve any impaired driver  
30 intervention program unless such program is conducted without cost to the state. Notwithstanding  
31 RSA 6:12, any fees collected under subparagraph IV(g) of this section shall be placed in a nonlapsing  
32 revolving account and shall be used by the commissioner for the purposes of this subdivision only.

33 25 Multiple DWI Offender Intervention Program. RSA 265-A:40 is repealed and reenacted to  
34 read as follows:

35 265-A:40 Multiple DWI Offender Intervention Program.

36 I. The commissioner of the department of health and human services shall be responsible for  
37 the establishment and administration of the 7-day multiple DWI offender intervention program

1 which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2,  
2 V(h) may be required to attend. The commissioner shall have the authority to directly operate the  
3 program, to approve community-based providers to operate the program in accordance with rules  
4 adopted pursuant to RSA 541-A, or to contract with public or private entities to operate the program.

5 II. Any person who attends the 7-day multiple DWI offender intervention program shall be  
6 required to pay the fees for the program to the department of health and human services. Full  
7 payment shall be made in advance unless the person has entered into a payment plan contract with  
8 the office of reimbursements prior to entry into the program. Payment of all fees shall be made no  
9 later than one year after completion of the program. The fees shall be sufficient to make the  
10 program self-supporting, exclusive of start-up costs. The fees collected shall be deposited in a special  
11 account in the office of the state treasurer and utilized as provided in RSA 265-A:41.

12 III. The 7-day multiple DWI offender intervention program shall furnish to the courts a  
13 report indicating when a person has completed attendance at the program, and shall furnish to the  
14 division of motor vehicles, department of safety, a report indicating when a person who attends the  
15 program pursuant to RSA 265-A:18 has successfully completed the program and treatment or  
16 involvement in a substance abuse program when appropriate and warranted.

17 IV. The commissioner of the department of health and human services shall adopt rules,  
18 pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention  
19 program with respect to:

20 (a) Program curriculum and content.

21 (b) Any other matter related to the proper administration of this section.

22 26 Impaired Driver Intervention Programs; Utilization of Funds. Amend RSA 265-A:41 to read  
23 as follows:

24 265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of  
25 the department of health and human services under RSA 265-A:18 shall be paid over to the state  
26 treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate  
27 account in the treasury known as the 7-day multiple DWI offender intervention [~~detention-center~~]  
28 program account. These funds are appropriated as indicated in the operating budget as a source of  
29 funds for the 7-day multiple DWI offender intervention [~~detention-center~~] program. Any funds  
30 remaining in the account over the appropriation indicated in the operating budget shall lapse into  
31 the general fund at the end of each fiscal year.

32 27 Impaired Driver Intervention Programs; Attendance Required. Amend RSA 265-A:42, IV(b)  
33 to read as follows:

34 (b) In the case of enrollment in the [~~state-operated~~] 7-day multiple DWI offender  
35 intervention [~~detention-center~~] **program**, a person shall provide such certified copy at the time of  
36 enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.

37 28 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows:



1 (h) In cases of a person convicted of a felony or class A misdemeanor, a court may  
2 sentence such person to 7 consecutive 24-hour periods to be served at the ~~[state-operated]~~ 7-day  
3 multiple DWI offender intervention ~~[detention-center]~~ program established under RSA 265-A:40, if  
4 the evidence demonstrates that alcohol was a contributing factor in the commission of the offense  
5 and provided that space is available in the program and such person pays the fees for the program in  
6 full prior to admission.

7 29 Report Required. The commission to examine driving while impaired education and  
8 intervention programs shall, pursuant to the authority under 2008, 256:10, as extended by 2009,  
9 202:5, study the penalties for intoxication or under the influence of drugs offenses, including but not  
10 limited to the multiple DWI offender intervention program. Based upon available research and data,  
11 the commission shall review and evaluate the merits of the penalties and the program in order to  
12 develop recommendations on these issues. On or before November 1, 2010, the commission shall  
13 report its findings to the governor's commission on alcohol and drug abuse prevention, intervention,  
14 and treatment, the speaker of the house of representatives, the president of the senate, the  
15 commissioner of the department of health and human services, the house clerk, the senate clerk, the  
16 state library, and the governor and shall make recommendations, if appropriate, for future  
17 legislation to address these issues.

18 30 State Treasurer; Application of Receipts. Amend RSA 6:12, I (b)(147) to read as follows:

19 (147) Moneys deposited in the 7-day multiple DWI offender intervention ~~[detention~~  
20 ~~center]~~ program account under RSA 265-A:41.

21 31 Department of Health and Human Services; Office of Reimbursements; Duties. Amend RSA  
22 126-A:34, I(a) to read as follows:

23 (a) Review and investigate all records of the New Hampshire hospital, Laconia  
24 developmental services, the secure psychiatric unit, the Glenduff home, the Anna Philbrook center,  
25 and the multiple DWI offender intervention ~~[detention-center]~~ program (M.O.P.), relative to  
26 expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or  
27 expenses incurred by patients, residents, or clients receiving care, treatment, services, or  
28 maintenance at the direction of the commissioner of health and human services, and make  
29 recommendations to the commissioner and to the respective superintendents or directors of such  
30 institutions, facilities, or programs as to the rates to be charged for the care, treatment, and  
31 maintenance of such patients, residents, or clients.

32 32 Department of Health and Human Services; Office of Reimbursements; Financial  
33 Statements. Amend RSA 126-A:38, II-III to read as follows:

34 II. Persons admitted to the multiple DWI offender intervention ~~[detention-center]~~ program  
35 (M.O.P.) who do not pay program fees in full at the time of admission shall file a financial statement  
36 under penalty of perjury on forms provided for this purpose by the office of reimbursements and  
37 shall enter a payment contract for balance of fees due. The office of reimbursements shall be entitled

1 to recover reasonable attorneys fees and costs of collection for program fees not paid in accordance  
2 with a payment contract.

3 III. Persons admitted to the multiple DWI offender intervention [~~detention-center~~] program  
4 (M.O.P.) shall notify the office of reimbursements of each change of mail address and actual street  
5 address until that person has made payment in full of fees due in accordance with an M.O.P.  
6 payment contract. Whenever notice to a person subject to a payment contract is required, notice to  
7 the last mail address on file with the office of reimbursements shall be deemed notice to and binding  
8 on the payer.

9 33 Applicability. Section 5 of this act shall take effect on the first day of the following month  
10 upon certification by the secretary of state to the director of legislative services that increased  
11 funding under the American Recovery and Reinvestment Act has expired.

12 34 Effective Date.

13 I. Section 5 of this act shall take effect as provided in section 33 of this act.

14 II. Sections 13, 14, and 16 of this act shall take effect July 1, 2010.

15 II. The remainder of this act shall take effect upon its passage.

2010-1113s

AMENDED ANALYSIS

This bill:

I. Consolidates the amount to be reduced by the department of health and human services, as required under HB 1-A of the 2009 legislative session, for the biennium instead of for each fiscal year.

II. Exempts certain rates for services, placements, and programs for children and families from RSA 541-A.

III. Clarifies the administration of the New Hampshire employment program.

IV. Makes the funded family assistance program (FANF) permissive rather than mandatory.

V. Requires recipients of medical assistance to name the state of New Hampshire as beneficiary of all life insurance policies, except under certain circumstances.

VI. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

VII. Authorizes the commissioner of the department of health and human services to transfer funds within and among all PAUs within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

VIII. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

IX. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

X. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

XI. Clarifies criteria for determining eligibility for services under the Medicaid waiver.

XII. Changes the due date for the Medicaid enhancement tax.

XIII. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

XIV. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

# Committee Minutes

# Finance Committee

## Hearing Report

**To:** Members of the Senate

**From:** Sonja Caldwell  
*Legislative Aide*

**Re:** SB450-FN – *relative to costs and expenditures at the department of health and human services.*

**Hearing date:** March 11, 2010

**Members present:** Sen. Janeway, Sen. Larsen, Sen. Hassan, Sen. Sgambati, Sen. Odell, Sen. Gallus

**Members absent:** Sen. D'Allesandro

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**Sponsor(s):** Sen. Sgambati, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Gallus, Dist 1; Sen. Janeway, Dist 7

**What the bill does:** This bill:

I. Consolidates the amount to be reduced by the department of health and human services, as required under HB 1-A of the 2009 legislative session, for the biennium instead of for each fiscal year.

II. Exempts certain rates for services, placements, and programs for children and families from RSA 541-A.

III. Clarifies the administration of the New Hampshire employment program.

IV. Makes the funded family assistance program (FANF) permissive rather than mandatory.

V. Requires recipients of medical assistance to name the department as beneficiary of all life insurance policies, except under certain circumstances.

VI. Clarifies services, placements, and programs for children in the state services system.

VII. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

**Who supports the bill:** Sen. Sgambati, Commissioner Nicholus Toumpas (HHS), Jennifer Wierwille Norton, Sen. Cilley

**Who opposes the bill:** John Laboe (National Academy of Elder Law Attorneys), Michael Skibbie (Disabilities Rights Center), Jeff Dickinson (Granite State Independent Living)

**Summary of testimony received:**

**Senator Sgambati**

The bill is related to costs and expenditures. It makes changes to reporting requirements. It is recommended by the department and the governor in response to the economic situation in the state. The intent is to offer the department an opportunity to do business differently.

The following pertains to the bill as introduced:

Section 2, line 11 has to do with the publication of rate requirements, this will make it so they don't have to continually publish rates.

Section 4, line 24 - changes a "shall" to a "may" and allows the Commissioner to enter into requirements with Employment Security. The department has long paid for services that are available to all citizens without cost.

Line 6 eligibility for Medicaid - needs one additional change, which could be done through a floor amendment - this allows the department to recover life insurance from recipients except for a recipients spouse. She wants it to also exclude an adult disabled child.

It also gives the department treatment authority so that if a judge orders a certain kind of services, the department will determine where the service is. Section 11 on page 3 - broadens language for ability to recover funds paid to a recipient.

The amendment allows in section 13 the department to transfer funds within different accounts. It is broader than most departments so there is an ending in there so it ends at end of biennium. Section 14 relates to lead paint poisoning program. There were staff cuts made to that program and complaints ensued. This allows the department to charge training fees and other environmental fees to try and restore staff.

Pg 2 of amendment allows transfer of a refugee resettlement program to the dept.

Pg. 17 - has to do with multiple offender program - allows Commissioner to contract with other entities to provide the service. Pg 6 section 29 - report required - different views about how effective multiple offender program is.

\$5.5\$million value of this bill. No ability to estimate what recoveries would be on abandoned property so the \$5.5 million savings are extremely conservative.

**Commissioner Toumpas**

With respect to caseloads, continue to see double digit increases across the board. Over 118,000 people are on the Medicaid program. The Dept. is currently tracking \$42.5 million gen fund shortfall. Governor asked for more reductions. Our obligation right now is to come up with 85 million of general fund reductions, over and above actions we've already taken. We are doing some things that are within authority of commissioner to do. Other things require rule and statute changes. There are likely to be additional things to come.

In the area of treatment authority, sections 7-9, he said they've had discussions with Judge Kelly and have been exploring different options. Will continue those discussions.

**Senator Odell** – asked if the \$85 million is relative to the \$140 million the Governor is asking agencies to come up with.

**Commissioner Toumpas** said yes. They have shortfalls generated by caseload increases, but then because of the state of the economy, the governor gave them target numbers so the \$15 million is an additional general fund reduction in FY10 and \$70 million in FY11. This addresses both the department shortfalls as well as those requested by the governor.

The Commissioner said they were projecting a \$42 million general fund shortfall when they went to Fiscal committee and roughly \$7.5 million of that was back of the budget

**Senator Sgambati** said its a new 15 million dollar identification.

**Commissioner Toumpas** said yes, working with governor on ways to achieve those savings.

**Senator Sgambati** said projections for treatment authority were over \$3 million per year but the fiscal note changes it \$450,000.

**Byre Kennedy** of DCYF said the initial assumptions were revisited and the initial assessments were too high and they were able to reduce them.

**Senator Janeway** asked if they had any sense of the impact on recipients and ability to deliver programs based on this bill

**Commissioner Toumpas** said the provisions in this bill are helpful to the department. The bill gives them flexibility and wont affect their ability to provide services, rather it just allows them to do things at lower costs, these are good things, which allow them to be more effective.

**Senator Sgambati** asked what the value of the employment security contract is.

**John Laboe - National Academy of Elder Law Attorneys**

His constituency is elderly people with modest resources

Line 12 page 2, eligibility for medical assistance - currently if you apply for Medicaid, you cant keep a lot of cash in a life insurance policy – it has to be below \$1,500.

Their objection to this legislation is that it would allow the state to intercept the death proceeds.

He said “who remains living in the community” is not a defined term. He asked what that means. What if they are in assisted living facility? Their objection goes deeper, if a spouse is still living, they should be able to receive this money, even if institutionalized.

Supplemental special needs trusts should also be included. The new policy will be that your not allowed to have life insurance unless your ready to hand it over to the state. People are going to wonder why they bought life insurance and will feel ambushed. He thinks this will take people by surprise.

**Senator Sgambati** asked if his main objection is that its not broader family that has access or a person in institutional care.

**Mr. Laboe** said its that life insurance is going to be intercepted. They want a spouse to have free access to proceeds, regardless of whether they are institutionalized.

**Senator Sgambati** said we’re talking about the medicaid recipient - its likely that person would be supported by public dollars.

**Jennifer Wierwille Norton**

NH Charitable Foundation

Lead poisoning prevention collaborative - group of stakeholders working to reduce lead poisoning. Section 14 - allows for a moderate increase in fees and fines for the purpose of restoring staff. She said we’ve made great strides over the last couple years, improving housing stock. The cuts impact property owners. This is an important piece for continuing progress.

**Jeff Dickinson**

Granite state independent living

Opposed to the bill.

Opposed to particular piece - the life insurance provision. For many Medicaid recipients with a disability who are fortunate enough to get life insurance, that policy may be only way a recipient can leave resources to assist family they leave behind. They have concerns that that change may have negative



impact for recipients eligible for MEAD program, which allows folks to earn an income and have savings and still maintain Medicaid services they need, many pay a premium depending on income. The point was to be a work incentive program.

**Senator Cilley**

Has amendment #0646

Speaking to her amendment:

Repeals LLC tax back to its inception, repeals campground tax back to its inception.

She said she received a letter from the BIA that said their concerns were addressed and encourage her to vote for the budget. Since then, she has heard from constituents and it has a negative impact on job creation. The campground tax has been a burden, going from 0-9%. Reservations are decreasing. The revenue sources have not panned out to what we thought.

This amendment offers two sources of revenue. The first is to reinstate the premium tax credit on insurance providers. The tax credit has not done what it was intended to do. Other New England states are all at 2%. CT is the only one lower and its at 1.75% and it is the only state lower than us. She said we have 42 domestic insurers in NH. This would reinstate it to what it was prior to 2006.

The amendment also reinstates a tax on nuclear power and assets. She said this was challenged in 1993. Nuclear power has its own set of risks and obligations for the state. She said this will not affect NH ratepayers.

**Senator Odell** said we just tabled a bill that would have repealed the campsite tax and he asked why she is bringing this amendment forward when that just happened.

**Senator Cilley** said because that bill didn't balance revenues with what was taken out of budget.

**Senator Odell** said we had a long debate over the insurance premium tax. We had Peerless insurance threatening to leave the state. He asked why this is coming forward now with 14 days before crossover. He said this is an industry that we partner with and we knew it would take a while for this to have an affect. This is a shock to the system

**Senator Cilley** said SB 450 is going to make drastic cuts and we need to find creative ideas. She said she is looking for ways to balance the budget so we harm the least number of people. She wants to see more jobs created. The

insurance industry gets a double credit against the BPT. The industry fares very well in the state. We're not seeing new jobs come to NH.

**Senator Hassan** clarified that Senator Cilley was not implying that problems at Vermont Yankee have to do with Seabrook.

**Senator Cilley** said no, Seabrook is one of the best and she has great admiration for those who maintain and operate Seabrook.

**Senator Janeway** commented that these are substantial proposals that should have hearings.

### **Jennifer Jones - HHS**

Section 6 of the initial bill as introduced makes a change in the way the department views life insurance policies for Medicaid recipients. There are certain resource limits for most Medicaid programs that recipients must meet. There was a loop hole for term or universal life insurance which didn't provide any cash value to recipient during life time, but it had a contractual value. The amendment would expand the exemptions and would be consistent with federal obligations. Under federal requirements, we have to allocate the assets to each individual. In a couple, they must allocate no less than \$109,000, if that amount exists, to the spouse in the community. Then that spouse going into the institution must spend down either through private pay or prepay burial. Term life has never been a part of that. You could have a significant contractual asset that the department has never counted but will be realized upon that individuals death. Life insurance goes to individuals not estates. She said that with regard to the concern raised about an employer based policy – it would not be subject to recoupment as its an employee benefit not an investment.

If someone received an inheritance, they would be required to spend it down. As long as the money is spent in a way that benefit's the individual – they could buy anything, then the person would then be eligible again.

# Speakers

# SENATE FINANCE COMMITTEE

Date 3/11/10

Time 10:30 a.m.

Public Hearing on

Bill SB450-FN

*(relative to costs and expenditures at the department of health and human services..)*

Please check box(es) that apply.

SPEAKING FAVOR    OPPOSED

NAME (Please print)

REPRESENTING

      

Michael Skidmore

Disabilities Rights  
Center

      

Jacalyn Ciley

Senate Dist 6

      

✓ Jeff Dickinson

GRANITE STATE Ind.  
LIVING.



# Testimony

In 2008, 140 New Hampshire children under the age of six were newly identified with an elevated blood lead level. Between 1997 and 2007, a cumulative total of 2,903 children under age 6 in New Hampshire have been identified with elevated blood lead levels. Among school age children, approximately 10,530 children ages 5 through 17 had an elevated blood lead level at some time. These children are more likely to suffer persistent developmental delays, learning disabilities and behavioral problems as a result of their exposure to lead.

The Division of Public Health Services (DPHS) Childhood Lead Poisoning Prevention Program (CLPPP) is a state program within the NH Department of Health and Human Services, focused on addressing the hazards of lead in children's environments and preventing lead poisoning to keep children safe and healthy. The program supports families when children have been poisoned by providing education and outreach. The CLPPP works with property owners to proactively maintain their properties. It also enforces action when properties present hazards.

In October, 2009, the CLPPP program sustained a significant and serious cut to staffing as part of personnel cuts made to save state general funds. As a consequence of these staff reductions, the CLPPP will be unable to meet its statutory requirements for inspections and other tasks.

The CLPPP receives federal and state general funds – until October about 50 percent of the program's funding was federal funding and 50 percent was state funding. The DPHS budget was cut by \$480,000 in FY2010 – representing an 81 percent cut in state general funds that were directed toward efforts in reducing childhood lead poisoning. The change in funding represents the loss of one third of the CLPPP staff, including state laboratory related positions.

The budget-related cuts have had the following results:

- ◆ The CLPPP now has 2 inspectors instead of 4. There is now only one inspector to inspect and follow up on rental and owner occupied dwellings for the entire state. The other inspector is 100 percent federally funded, mandated to conduct EPA worksite monitoring and licensing and certification of lead professionals.
- ◆ The CLPPP also lost a staff person responsible for developing rules, preparing paperwork, and supporting both the inspectors and staff lawyer in accomplishing enforcement work.
- ◆ The position in the state laboratory responsible for conducting blood lead analysis was cut. All medical clinics, hospitals, and employer groups will need to use private labs for blood lead level testing. In addition, the state lab will no longer be conducting soil or dust wipe analysis, which help measure the level of lead in bare soil and dust on surfaces like floors and windows, and now will need to be done by private labs.

Families and their children will receive less timely support with a delayed inspection process, or in some cases, no inspection process. The CLPPP is prioritizing its limited resources by accomplishing as many of the inspections statewide as one inspector is able to handle. This prioritization and triaging system will likely mean focusing on inspections

where children have been poisoned at a level of 15 µg/dL and above with a backlog system for those under 15 µg/dL, even though the current level mandated by the legislature for inspection is 10 µg/dL.

The legislature has moved NH forward in passing laws to reduce lead paint poisoning over the past 3 years. The cuts to the CLPPP leave the program unable to fulfill many important statutory responsibilities and put children at risk.

- ◆ In 2008, the trigger level for inspections became 10 µg/dL, and once a lead hazard has been found in a unit within a building, all other units in the same building may be inspected for similar hazards – known as subsidiary units. The important change of inspecting subsidiary units means that New Hampshire's public policy promotes primary prevention of child lead poisoning – making homes safe before children are poisoned. So while in 2007, there were no Orders of Lead Hazard Reduction issued in subsidiary units, in 2008 there were 128 Orders. In addition, with the trigger level for inspections now at 10 µg/dL, in primary units – meaning a unit where a child who had an elevated blood lead level was living – 68 Orders were issued in 2008, up from 15 in 2007.
- ◆ In 2009, the legislature passed a bill establishing a window replacement program and moving property owner notification from 7.5 to 6 µg/dL. The law means that DHHS makes reasonable efforts to notify in writing the owner of a dwelling where a child resides if lead levels of 6 to 9.9 µg/dL are found in the child's blood (these letters contained educational materials for property owners). Staffing cuts mean this law will not be implemented further hampering efforts to work proactively with property owners and families and address problems at the earliest opportunity. This is a missed window of opportunity for education of both families and property owners before further harm happens.
- ◆ In prioritizing limited resources, the CLPPP will focus on rental units for which they have authority and not owner occupied units, therefore families who own and reside in their homes will not receive services. NH's data show that one-third of poisonings occur after a renovation in a home.
- ◆ Additional impacts include: lack of ability for the state lab to do rapid response testing for a child who may be in the hospital and this could delay action for the family and the providers and drive up costs; lack of ability for the state lab to do tests for uninsured children (of which 42 tests were done in 2008); inability of the CLPPP to complete some existing cases pending in court; and the threat of the state lab losing lead testing-related accreditation.

There is a direct impact on children and their families affected by lead, as well as on property owners when they do not receive timely services as mandated by the legislature. In addition, lead poisoning results in a significant financial burden to the Granite State. An economic analysis done for a legislative study commission in 2008 found that the negative economic impacts in New Hampshire associated with lost future income, special education costs, and juvenile justice service costs linked to childhood lead poisoning have been estimated at between \$141.1 and \$345.7 million dollars annually.



Granite State  
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Senate Finance Committee  
New Hampshire Senate  
107 North Main Street, Room 302  
Concord, NH 03301

March 11, 2010

Dear members of the Senate Finance Committee,

My name is Jeff Dickinson. I represent Granite State Independent Living (GSIL), New Hampshire's consumer controlled, statewide, cross-disability Independent Living Center. I am writing to you regarding SB 450. Specifically I am commenting on Section 6 of the bill which would require Medicaid recipients to name the Department of Health & Human Services as the beneficiary of all life insurance policies with cash surrender, benefits, or face value in excess of \$1,500. Currently this requirement applies only to cash value.

GSIL is opposed to this change because it would place an undue hardship on the families of Medicaid recipients with disabilities who have passed away. As you know, Medicaid recipients generally have very low incomes that make it hard to even make ends meet each month. In addition, Medicaid eligibility rules allow recipients to maintain only a very small amount of savings. This means that for those Medicaid recipients with disabilities who are fortunate enough to be approved for a life insurance policy, this policy represents the only way that recipient can leave resources to assist the families they leave behind when they die. The bill does provide an exemption for a living spouse; however that is not adequate when there may be children and other family members who often have provided much physical and financial support.

We are further concerned that this change may negatively impact some Medicaid recipients who are eligible through the MEAD program. In 2001, the New Hampshire Legislature unanimously supported the passage of work incentive legislation, the Medicaid for Employed Adults with Disabilities (MEAD) program, in an effort to break the poverty cycle for persons with disabilities and support their return to work. MEAD enables participants to maximize their employment potential and financial independence by allowing recipients to earn a living while still maintaining needed Medicaid health care coverage. I am eligible for the MEAD program myself, and one of the key work incentives for me is the ability to obtain a decent level of life insurance through my employer without a medical exam. I want to be able to leave behind resources to assist my family in covering expenses I have incurred related to my disability (many of which are not covered by Medicaid). My life insurance, which does not have a cash value, is a way to do this in case I die. In this way the ability to obtain life insurance is a major work incentive to me and others. The requirement to name DHHS as the beneficiary would weaken this work incentive.

GSIL requests that this change in how life insurance is treated by DHHS be removed from SB 450. If the Committee does not decide to do that we hope that you will consider making an exemption for those Medicaid recipients with disabilities who are employed and on the MEAD program. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey Dickinson". The signature is written in a cursive, flowing style.

Jeffrey Dickinson  
Advocacy Coordinator

*New Hampshire Chapter-National Spinal Cord Injury Association is an affiliate of Granite State Independent Living.*



# Voting Sheets

# Senate Finance Committee EXECUTIVE SESSION

Bill # SB450

Hearing date: \_\_\_\_\_

Room: State House - Room 100

Executive session date: \_\_\_\_\_

Motion of: OTP/A

VOTE: 5-1

Made by D'Allesandro   
Senator: Janeway   
 Larsen   
 Hassan   
 Sgambati   
 Odell   
 Gallus

Seconded D'Allesandro   
by Senator: Janeway   
 Larsen   
 Hassan   
 Sgambati   
 Odell   
 Gallus

<u>Committee Member</u>	<u>Present</u>	<u>exec</u>	<u>YES</u>	<u>NO</u>	<u>Reported out by</u>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Janeway	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Larsen	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Hassan	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Senator Sgambati	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sgambati
Senator Odell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Gallus	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

\*Amendments: 1113 Jan Sg

NOTES: Added sections of 519 related to timing of payment  
 No program change  
 Makes it so resources are not spent trying to meet requirements that don't have value.  
 These are administrative changes & efficiencies

\* LOOK at amended analysis

Savings = \$6 mil (+)

Sec 1 - rates for rulemaking

Sec 2 - crossreferences

Sec 3 - contract w/employment security  
changes the requirement to an option  
would be signif cost savings

Sec 4 - ~~the~~ avoids penalties

Sec 5 - revenue enhancer - not a lot

Sec 6 - same thing - easier access to money -  
include adults w/disabilities to be exempted

H

14 - First section removed from 519 and  
put in this one

15 also brought from 519  
clears up a technical problem

16 - DSH payments also in 519 - so hospitals  
don't have to front money

DWI - multiple offender program - makes Statute  
conform to what they've already done.

There is a commitment from judicial branch to work  
together to net the savings?

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 18, 2010

THE COMMITTEE ON Finance

to which was referred Senate Bill 450-FN

AN ACT                      relative to costs and expenditures at the department of  
health and human services.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:    5-1

AMENDMENT # 1113s

Senator Kathleen G. Sgambati  
For the Committee

Sonja Caldwell 271-2117