

LEGISLATIVE COMMITTEE MINUTES

# SB291

# Bill as Introduced

SB 291-FN - AS INTRODUCED

2019 SESSION

19-0955  
05/01

SENATE BILL

**291-FN**

AN ACT

removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.

SPONSORS:

Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Fuller Clark, Dist 21; Sen. Gray, Dist 6; Sen. Morse, Dist 22; Rep. Danielson, Hills. 7; Rep. Hennessey, Graf. 1; Rep. Hinch, Hills. 21

COMMITTEE:

Health and Human Services

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ANALYSIS

This bill directs the department of health and human services to establish a psychiatric residential treatment facility at the Sununu youth services center and to transfer juvenile patients from New Hampshire hospital to the new facility.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 291-FN - AS INTRODUCED

19-0955  
05/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.

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

- 1       1   Sununu Youth Services Center; Psychiatric Residential Treatment Facility. The
- 2   commissioner of the department of health and human services shall establish a psychiatric
- 3   residential treatment facility at the Sununu youth services center to meet the psychiatric and
- 4   mental health needs of juveniles under 21 years of age who are currently placed at New Hampshire
- 5   hospital. On or before January 1, 2020, the commissioner of the department of health and human
- 6   services shall begin implementation of a plan to transfer all juveniles placed at New Hampshire
- 7   hospital to the psychiatric residential treatment facility at the Sununu youth services center.
- 8       2   Effective Date. This act shall take effect 60 days after its passage.

LBAO  
19-0955  
1/28/19

**SB 291-FN- FISCAL NOTE  
AS INTRODUCED**

**AN ACT** removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Health and Human Services who was originally contacted on December 27, 2018, with follow up on January 24, 2019 for a fiscal note worksheet, which they have not provided as of January 28, 2019. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Department of Health and Human Services

SB 291-FN - AS AMENDED BY THE SENATE

03/14/2019 0832s

2019 SESSION

19-0955  
05/01

SENATE BILL . **291-FN**

AN ACT relative to the construction of new mental health facilities.

SPONSORS: Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Fuller Clark, Dist 21; Sen. Gray, Dist 6; Sen. Morse, Dist 22; Rep. Danielson, Hills. 7; Rep. Hennessey, Graf. 1; Rep. Hinch, Hills. 21

COMMITTEE: Health and Human Services

QTP/A 5-0

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AMENDED ANALYSIS

This bill directs the department of health and human services to develop and implement plans to establish a new forensic psychiatric hospital, additional transitional beds for forensic patients or patients with complex behavioral health conditions, and a new acute inpatient psychiatric treatment facility for children.

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

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to the construction of new mental health facilities.

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

1 1 Department of Health and Human Services; Construction of New Mental Health Facilities.

2 I. The commissioner of the department of health and human services, in consultation and  
3 in collaboration with the attorney general, the commissioner of the department of corrections, and  
4 the commissioner of the department of administrative services, shall administer the development  
5 and implementation of plans for the following:

6 (a) Establishing a new 60 bed forensic psychiatric hospital; and

7 (b) Establishing 40 additional transitional beds for forensic patients and or patients  
8 with complex behavioral health conditions.

9 II. The commissioner of the department of health and human services, in consultation and  
10 in collaboration with the attorney general, and the commissioner of the department of  
11 administrative services, shall administer the development and implementation of plans for the  
12 following:

13 (a) Establishing a new treatment facility for children who are in need of acute inpatient  
14 psychiatric treatment; and

15 (b) Repurposing of the children's unit at New Hampshire hospital for adult beds upon  
16 completion and readiness of the new treatment facility for children established in this paragraph.

17 III. The plans for establishing a new 60 bed forensic psychiatric hospital and 40 additional  
18 transitional beds for forensic patients and or patients with complex behavioral health conditions  
19 shall be completed by November 1, 2019, and such facilities shall be operational by June 1, 2021.

20 IV. The plans for development of a new treatment facility for children who are in need of  
21 acute inpatient psychiatric treatment and for repurposing of the children's unit at New Hampshire  
22 hospital for adult beds shall be completed by June 1, 2020, and such facility shall be operational by  
23 June 1, 2021.

24 V. All contracts and projects set forth in paragraphs I and II, and plans and specifications  
25 therefor, shall be awarded in accordance with the provisions of RSA 21-I.

26 VI. In preparation for the operation of the new facilities established pursuant to paragraphs  
27 I and II, the commissioner of the department of health and human services, in consultation and  
28 collaboration with the attorney general, the commissioner of the department of corrections, and the  
29 commissioner of the department of administrative services, shall recommend proposed legislation  
30 for any changes to statutes or administrative rules that are deemed necessary for the transition of  
31 patients to and the operation of the new facilities. In developing such recommendations, and the

**SB 291-FN - AS AMENDED BY THE SENATE**

**- Page 2 -**

1 plans and deadlines required in paragraphs I through IV, the commissioner of the department of  
2 health human services shall solicit input from public and private stakeholders as the commissioner  
3 deems necessary and appropriate. The commissioner of the department of health human services  
4 shall submit the plans required in paragraphs I and II and recommendations required by this  
5 paragraph to the governor, the speaker of the house, and the president of the senate no later than  
6 November 1, 2019.

7       2 Effective Date. This act shall take effect July 1, 2019.



**SB 291-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.

**FISCAL IMPACT:**  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$13,912,500	\$9,795,000	\$9,795,000	\$9,795,000
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Federal Medicaid funds; private insurance reimbursement			

**METHODOLOGY:**

This bill requires the commissioner of the Department of Health and Human Services to establish a psychiatric residential treatment facility within the Sununu Youth Services Center and transfer juveniles from New Hampshire Hospital to the facility by January 1, 2020.

Based on an opening date of January 1, 2020, the Department estimates the following costs associated with construction of a 24-bed facility, as well as annual accreditation and operational expenses. The Department anticipates these costs will be partially offset by federal Medicaid and private insurance reimbursement, as shown below.

Estimated Costs	FY 2020	FY 2021	FY 2022	FY 2023
Construction (\$750/ sq. ft)	\$ (9,000,000)	-	-	-
Program Costs (\$1,116/day)	\$ (4,890,000)	\$ (9,780,000)	\$ (9,780,000)	\$ (9,780,000)
Accreditation	\$ (22,500)	\$ (15,000)	\$ (15,000)	\$ (15,000)
<b>Total:</b>	<b>\$ (13,912,500)</b>	<b>\$ (9,795,000)</b>	<b>\$ (9,795,000)</b>	<b>\$ (9,795,000)</b>
Estimated Revenue				
Federal Medicaid Reimbursement	\$1,125,000	\$2,250,000	\$2,250,000	\$2,250,000
Private Insurance	\$925,000	\$1,850,000	\$1,850,000	\$1,850,000
<b>Net General Fund Expenditures</b>	<b>\$ (11,862,500)</b>	<b>\$ (5,695,000)</b>	<b>\$ (5,695,000)</b>	<b>\$ (5,695,000)</b>

**AGENCIES CONTACTED:**

Department of Health and Human Services

**SB 291-FN FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2019-0832s)**

AN ACT relative to the construction of new mental health facilities.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$41 million - \$49 million		Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal Medicaid funds, private insurance reimbursement			

**METHODOLOGY:**

This bill requires the commissioner of the Department of Health and Human Services to establish: a 60-bed forensic psychiatric hospital, 40 transitional housing beds for forensic patients, and a new treatment facility for children in need of acute inpatient psychiatric treatment, while repurposing the children's unit at New Hampshire Hospital for adult beds.

The Department assumes all construction and development costs will be paid for with state general funds; however, it is unable to provide operational costs for each facility without undergoing contract negotiations for facility operations. The Department has provided the following cost estimates associated with the requirements of the bill, resulting in a range of \$41 million to \$49 million in development and construction costs in FY 2020-21 and a minimum of \$33.5 million in annual operational costs once the respective facilities have been completed. Projected costs are as follows:

- \$27 million to \$35 million in FY 2020-21 for construction of a new forensic hospital, and an additional \$27 million to \$35 million in annual operational costs;
- \$5 million in FY 2020-21 for construction or renovation of 40 new transitional housing beds, with indeterminable operational costs;
- \$5 million in FY 2020-21 for a new children's treatment facility, with indeterminable

operational costs; and

- \$4 million in FY 2020-21 to repurpose the children's unit at NHH for adult beds, and total annual operational costs of \$17.5 million (\$6.5 million higher than the \$11 million in annual costs for the existing children's unit).

The Department states the payer breakdown for the existing children's unit is 19 percent private insurance, 46 percent Medicaid, and 35 percent uninsured/uncovered/general funds. It anticipates the repurposed adult beds will result in an indeterminable increase in state revenue, due to the change in population and an increase in the number of people served by the repurposed unit.

**AGENCIES CONTACTED:**

Department of Health and Human Services

# Amendments

Amendment to SB 291-FN

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

2

3 AN ACT relative to the construction of new mental health facilities.

4

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

6

7 1 Department of Health and Human Services; Construction of New Mental Health Facilities.

8 I. The commissioner of the department of health and human services, in consultation and  
9 in collaboration with the attorney general, the commissioner of the department of corrections, and  
10 the commissioner of the department of administrative services, shall administer the development  
11 and implementation of plans for the following:

12 (a) Establishing a new 60 bed forensic psychiatric hospital; and

13 (b) Establishing 40 additional transitional beds for forensic patients and or patients  
14 with complex behavioral health conditions.

15 II. The commissioner of the department of health and human services, in consultation and  
16 in collaboration with the attorney general, and the commissioner of the department of  
17 administrative services, shall administer the development and implementation of plans for the  
18 following:

19 (a) Establishing a new treatment facility for children who are in need of acute inpatient  
20 psychiatric treatment; and

21 (b) Repurposing of the children's unit at New Hampshire hospital for adult beds upon  
22 completion and readiness of the new treatment facility for children established in this paragraph.

23 III. The plans for establishing a new 60 bed forensic psychiatric hospital and 40 additional  
24 transitional beds for forensic patients and or patients with complex behavioral health conditions  
25 shall be completed by November 1, 2019, and such facilities shall be operational by June 1, 2021.

26 IV. The plans for development of a new treatment facility for children who are in need of  
27 acute inpatient psychiatric treatment and for repurposing of the children's unit at New Hampshire  
28 hospital for adult beds shall be completed by June 1, 2020, and such facility shall be operational by  
29 June 1, 2021.

30 V. All contracts and projects set forth in paragraphs I and II, and plans and specifications  
31 therefor, shall be awarded in accordance with the provisions of RSA 21-I.

32 VI. In preparation for the operation of the new facilities established pursuant to paragraphs

1 I and II, the commissioner of the department of health and human services, in consultation and  
2 collaboration with the attorney general, the commissioner of the department of corrections, and the  
3 commissioner of the department of administrative services, shall recommend proposed legislation  
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5 patients to and the operation of the new facilities. In developing such recommendations, and the  
6 plans and deadlines required in paragraphs I through IV, the commissioner of the department of  
7 health human services shall solicit input from public and private stakeholders as the commissioner  
8 deems necessary and appropriate. The commissioner of the department of health human services  
9 shall submit the plans required in paragraphs I and II and recommendations required by this  
10 paragraph to the governor, the speaker of the house, and the president of the senate no later than  
11 November 1, 2019.

12 2 Effective Date. This act shall take effect July 1, 2019.

UNAPPROVED

2019-0758s

AMENDED ANALYSIS

This bill directs the department of health and human services to develop and implement plans to establish a new forensic psychiatric hospital, additional transitional beds for forensic patients or patients with complex behavioral health conditions, and a new acute inpatient psychiatric treatment facility for children.

UNAPPROVED

Health and Human Services  
March 6, 2019  
2019-0832s  
05/04

Amendment to SB 291-FN

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

2

3 AN ACT relative to the construction of new mental health facilities.

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**Amendment to SB 291-FN**

**- Page 2 -**

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11 November 1, 2019.

12 2 Effective Date. This act shall take effect July 1, 2019.

2019-0832s

AMENDED ANALYSIS

This bill directs the department of health and human services to develop and implement plans to establish a new forensic psychiatric hospital, additional transitional beds for forensic patients or patients with complex behavioral health conditions, and a new acute inpatient psychiatric treatment facility for children.

# Committee Minutes

# SENATE CALENDAR NOTICE

## Health and Human Services

Sen Tom Sherman, Chair  
Sen Martha Fuller Clark, Vice Chair  
Sen Shannon Chandley, Member  
Sen Jeb Bradley, Member  
Sen James Gray, Member

Date: January 31, 2019

### HEARINGS

Thursday	02/07/2019	
(Day)	(Date)	
Health and Human Services	LOB 101	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. SB 319-FN	requiring automated external defibrillators in health clubs.	
1:15 p.m. SB 293-FN	relative to federally qualified health care centers and rural health centers reimbursement.	
1:30 p.m. SB 181-FN	requiring monitoring of certain radioactive air pollutants.	
1:45 p.m. SB 291-FN	removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.	

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

#### **SB 319-FN**

Sen. Bradley  
Rep. Butler

Sen. Gray  
Rep. Major

Sen. Ward

Sen. Carson

#### **SB 293-FN**

Sen. Feltes

Sen. Sherman

Rep. Marsh

#### **SB 181-FN**

Sen. Sherman  
Rep. Cushing

Sen. Morgan  
Rep. Janvrin

Sen. Fuller Clark  
Rep. K. Murray

Rep. Somssich  
Rep. Bushway

#### **SB 291-FN**

Sen. Bradley  
Sen. Morse

Sen. Carson  
Rep. Danielson

Sen. Fuller Clark  
Rep. Hennessey

Sen. Gray  
Rep. Hinch

Doug Marino 271-8631

Tom Sherman  
Chairman

# Senate Health and Human Services Committee

*Doug Marino 271-8631*

**SB 291-FN**, removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.

**Hearing Date:** February 7, 2019

**Time Opened:** 4:11 p.m.

**Time Closed:** 4:50 p.m.

**Members of the Committee Present:** Senators Sherman, Fuller Clark, Chandley, Bradley and Gray

**Members of the Committee Absent :** None

**Bill Analysis:** This bill directs the department of health and human services to establish a psychiatric residential treatment facility at the Sununu youth services center and to transfer juvenile patients from New Hampshire hospital to the new facility.

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**Sponsors:**

Sen. Bradley

Sen. Carson

Sen. Fuller Clark

Sen. Gray

Sen. Morse

Rep. Danielson

Rep. Hennessey

Rep. Hinch

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**Who supports the bill:** Senator Sharon Carson (District 14), Senator Jeb Bradley (District 3), Senator James Gray (District 6), Senator Martha Fuller Clark (District 21), Rep. David Danielson (Hillsborough District 7),

**Who opposes the bill:** Keith Kuenning (Waypoint), Andra Hall (New Hampshire Association of Special Education Administrators)

**Who is neutral on the bill:** John Williams (Department of Health and Human Services), Ken Norton (NAMI), Becky Whitley (New Futures), Michael Skibbie (Disability Rights Center),

**Summary of testimony presented:**

*Senator Jeb Bradley, District 3*

- When the legislature passed HB 400, there was a request to move 24 youths out of New Hampshire Hospital. Youths cannot be placed in a double room, and instead must be placed in their own room.
- The legislature needs to find a solution for the 24 kids at New Hampshire Hospital.
- Senator Bradley said that the Sununu Center may not be the best facility for them, but he put forward this legislation so that the Senate could have a conversation on the matter.

- The Commissioner has indicated that there may be a provider who is willing to house these 24 kids. Senator Bradley believes that that could be a better option if it becomes available.
- Senator Bradley recommends that the committee hold on to the bill until Governor Sununu releases his budget.
- Senator Sherman asked Senator Bradley if he will prepare an amendment to allow the kids to be moved to a facility other than the Sununu Center. Senator Bradley indicated that he would be supportive of that amendment.
- Senator Gray asked Senator Bradley why the language of the bill impacts people under 21, rather than 18. Senator Bradley said that Commissioner Meyers and John Williams may be able to provide more guidance on the issue.

*John Williams, Department of Health and Human Services*

- The psychiatric residential treatment facilities (PRTFs) allow children up to the age of 21 to be housed there. Therefore, the wording currently present in the bill is appropriate.
- Senator Gray indicated that there are restrictions on who can be served at the Sununu Center. Mr. Williams stated that he will provide Senator Gray with more information on that topic.
- Senator Sherman asked if there is room in the legislation for clinical judgement concerning the housing of 21-year-old patients. Mr. Williams indicated that he did not have an answer to the question at this time. Mr. Williams further indicated that he will work to provide that information to Senator Sherman.

*Ken Norton, NAMI (Provided written testimony)*

- NAMI is neutral on this legislation.
- Mr. Norton believes that this legislation is helpful in the effort to continue the conversation concerning the best way to house children.
- Mr. Norton is concerned that housing young people with mental illness at the Sununu Center could potentially contribute to the stigma surrounding mental health.
- Mr. Norton concurred with Senator Bradley that the Governor's budget may provide some guidance on this issue.
- Senator Sherman asked Mr. Norton if the age limit is currently 18 at New Hampshire Hospital. Mr. Norton indicated that that is the case.
- Senator Sherman further asked if this is a matter of statute in New Hampshire. Mr. Norton said that he believes it is a clinical decision.

*Becky Whitley, Children's Behavioral Health Policy Coordinator at New Futures (Provided written testimony)*

- Under RSA 135-F, state law requires HHS and DOE to work together to provide a system of care for children.
- There is a need to build out community-based services for children in need.
- Mrs. Whitley agreed with Senator Bradley that it is very possible that the Sununu Center is not the proper facility to hold these children. Many of these children have experienced trauma and being at the Sununu Center could retraumatize them.
- The state may receive Medicaid reimbursement for children at New Hampshire Hospital.
- Mrs. Whitley believes that the committee should examine whether it is appropriate for 21-year-olds to potentially be housed with very young children.
- Senator Sherman asked what Mrs. Whitley believes would be an ideal facility for these children. Mrs. Whitley said that she believes the committee needs to continue the conversation about what the best option may be.

*Michael Skibbie, Disability Rights Center*

- Mr. Skibbie expressed caution about SB 291.
- The legislature should not take permanent steps before the outstanding questions on this legislation have been answered.
- Mr. Skibbie noted that if the state funded residential treatment centers, there may not be a need to refer these children to the Sununu Center.
- The Office of Inspector General reported last fall that 1/3 of children in New Hampshire foster care are on psychiatric medications. For many of these children, their treatment is not properly monitored.
- Mr. Skibbie suggested that the committee should consider that the 24-bed unit at New Hampshire Hospital can be refurbished to house people from the secure psychiatric unit.

# Speakers





# Testimony

- Training and education efforts by NHH clinical staff and DHHS with the hospitals should be enhanced with funding to ensure that only those persons who need treatment through an involuntary inpatient admission are certified for that treatment.
- The regulatory authority of the Departments of Insurance and Health and Human Services should be used to the fullest extent to require that public and commercial payers are providing care coordinators in the state's hospitals to direct their insureds to the appropriate level of care and that all federal mental health rate requirements are demonstrated to be met.
- DHHS should file a new Section 1115 waiver request with the Centers for Medicare and Medicaid Services (CMS). One waiver is to access Medicaid reimbursement for mental health services provided to those adult patients diagnosed with Serious Mental Illness and children diagnosed with Serious Emotional Disturbance for inpatient stays of up to 30 days as provided under the new policy announced by CMS on November 13, 2018 by HHS Secretary Alex Azar.
- The Legislature should amend the statute authorizing the licensing of hospitals to allow DHHS to condition all current and future hospital licenses upon the implementation of hearings for IEA patients within the 72-hour limit now prescribed in RSA 135-C:31, I. DHHS should be required to promulgate rules implementing that new requirement.

## II. Reallocation of Capacity at New Hampshire Hospital

The reallocation of existing capacity at NHH is critical to ensuring adequate inpatient bed capacity for the state. There are two options that should be fully explored in the coming legislative session.

- Option 1: Establish a Psychiatric Residential Treatment Facility at the Sununu Youth Services Center for the treatment of children now being served at NHH; which would both establish a more appropriate, non-hospital based treatment model for children and would allow the existing Philbrook Wing of NHH to be renovated for the addition of up to 48 new adult beds. This option would involve renovations to an existing 36-bed unit at SYSC in order to attain Joint Commission accreditation that is required, as well as staffing and operational costs regardless of whether the PRTF is operated by the state or a third party. This option would also entail renovation, staffing and operational costs of converting and repurposing the Philbrook Wing at NHH.
- Option 2: Relocate the approximately 30 forensic/justice involved patients out of NHH to a new forensic hospital, which would allow the use of those 30 beds for adult patients. This option would involve the cost of securing new forensic hospital services operated either by the state or a contacted vendor in a new or renovated facility. Under this option, the state would enter into a service contract with an owner/operator of a facility for services. The state could obtain an option to purchase the facility after a period of time.

The costs of Options 1 and 2 are now being estimated by both DHHS and Public Works and will be made available as early in the budget process as possible.

- SFY 2020: \$3M crisis services (mobile and stationary)
- SFY 2020: \$500,00 children's mobile crisis
- SFY 2020: \$750,000 for existing DRF rate increases (doubles existing rate)



NH Children's  
Behavioral Health  
Collaborative

February 7, 2019

The Honorable Tom Sherman, Chair  
Senate Health and Human Services Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

Re: SB 291-FN, removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center

Dear Chairman Sherman and Honorable Members of the Committee:

The New Hampshire Children's Behavioral Health Collaborative ("CBHC") appreciates the opportunity to provide testimony on SB 291-FN, share some concerns with this proposal, and put it into a larger context. The CBHC is a diverse network of individuals and organizations who work in partnership to transform the way we support children with behavioral health needs.

The most pressing concern members of the CBHC have expressed is that any proposal involving this population of children must be discussed in the context of RSA 135-F. This state law directs the Departments of Education and Health and Human Services to work together to develop an integrated and comprehensive System of Care for children with behavioral health needs that is youth and family driven, culturally and linguistically competent, and community-based. A System of Care is a value- and evidence-based behavioral health framework for system reform that is designed to pull together disparate service entities into one organized, coherent response. Research shows that the System of Care approach is a smart investment that brings better outcomes for youth, as well as their families and communities.<sup>1</sup>

There has been incredible progress towards building the System of Care in New Hampshire – which the CBHC has worked on for many years, alongside our State partners – including the creation and financing of a youth and family driven wraparound approach of intensive care coordination for children and youth with complex behavioral health challenges and their families. However as we all know, there remains an urgency for immediate enhancements to New Hampshire's service array for individuals with mental illness.

The research strongly supports that with the support of a comprehensive array of **home and community-based mental health services**, children with significant emotional, behavioral and mental health needs can successfully live in their own homes and communities and participate fully in family and community life rather than being served in restrictive settings like out-of-state and local residential treatment centers, group homes, and hospitals.

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<sup>1</sup> See generally, "The Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances Program, Report to Congress 2015."



NH Children's  
Behavioral Health  
Collaborative

Increasing access to mobile crisis response and stabilization services is the logical next step in building a comprehensive System of Care, and is addressed this session in Senate Bill 14-FN, which this committee will hear next week. These services can play a key role in preventing emergency room use, acute psychiatric hospitalization, residential treatment, and placement disruptions among children and youth who are experiencing a behavioral health crisis.<sup>2</sup>

We undoubtedly share the widespread concern about the large numbers of children, youth and adults waiting in hospital emergency departments for treatment, however believe the best approach is to focus on building evidence-based and cost-effective community-based services designed to reduce the need for inpatient hospitalization, which tend to erode the community and family connections.

The CBHC is also concerned with placing this level of care at a locked juvenile correctional facility with staff trained in correctional practices inappropriate and harmful for youth with complex mental health challenges and trauma. Further, the facility has a long history of inappropriate use of restraints and excessive use of force as investigated by the Disability Rights Center-NH.<sup>3</sup>

Please do not hesitate to contact me if you have any further questions or need additional information

Respectfully,

Rebecca G. Whitley, Esq.  
Policy Director  
NH Children's Behavioral Health Collaborative  
New Futures

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<sup>2</sup> See generally, Fields, Suzanne, MSW and Ryan Shannahan, MSW " Services in Support of Community Living for Youth with Serious Behavioral Health Challenges: Mobile Crisis Response and Stabilization Services", May 2016, Substance Abuse and Mental Health Services Administration and The TA Network, available at <http://files.ctctcdn.com/57c33206301/99207599-51ca-4cab-a1e6-e596055310be.pdf>.

<sup>3</sup> See <http://www.drcnh.org/SununuCenter.html>



National Alliance on Mental Illness

# NAMI | New Hampshire

February, 7, 2019

Honorable Chairman Thomas Sherman  
Senate Health and Human Services Committee Room 101  
36 North State Street  
Concord, New Hampshire 03301

Dear Chairman Sherman:

My name is Ken Norton and I serve as the Executive Director of NAMI NH, the National Alliance on Mental Illness. I also have a family members with serious mental illness and co-occurring substance use disorder. On behalf of NAMI NH I am here today, to offer some brief testimony regarding concerns and questions NAMI NH has on SB 291. NAMI NH will not be taking a position on the bill.

I will start where I left off in my testimony before this committee on SB 11. I concluded that testimony by stating that while NAMI NH very much welcomes expediting efforts to address the emergency room boarding crisis, we are confused about why the first priority related to that isn't establishing statewide crisis and or mobile crisis response capacity for (adults and) children in a mental health crisis. Our first priority should be providing an array of services with an evidence base for safely and successfully diverting children and youth from the hospital.

That leads to the first of many questions regarding this Psychiatric Residential Treatment Facility (PRTF). Is it intended to be a "step up" facility to divert hospitalization, a step down facility to speed discharges from the current New Hampshire Hospital Philbrook Center-- or both? Or is it to replace a hospital level of care for children entirely? A psychiatric residential treatment facility might be beneficial as part of a continuum in the system of care, but it is unclear how, or where this all fits.

In previous testimony before the legislature, NAMI NH has expressed serious concerns regarding the use of New Hampshire Hospital for children in a psychiatric crisis. Our concern is both with the physical layout of the units which were designed 30 years ago for adults and not children, and for the decision to co-locate children and youth in the same hospital as adults with severe mental illness. We have similar unease regarding the use of the Sununu Center. Having a locked "jail" type facility complete with razor wire is not an appropriate setting for youth in a mental health crisis. It is further stigmatizing and criminalizing an illness and adds to the already humiliating process being handcuffed and perhaps shackled when being transported to New Hampshire Hospital. For young children, the Sununu center as currently configured is not an appropriate setting.

One of the challenges which the current Philbrook Center faces is the blending of the wide range of developmental stages from young children to teens up to age 18. It would appear from this legislation that the PRTF would further extended to young adults up to age 21. Unless there were going to be complete separation from children and youth under age 18, and a separate unit for ages 18-21, this would be cause for serious concern.

It is unclear from the fiscal note whether the price includes the current budget to operate the Philbrook center or whether this is in addition to the current costs.

*Find Help, Find Hope*

NAMI New Hampshire • 85 North State Street • Concord, NH 03301  
InfoLine: 800-242-6264 • Tel. 603-225-5359 • Fax 603-228-8848 • [info@naminh.org](mailto:info@naminh.org) / [www.NAMINH.org](http://www.NAMINH.org)

These are just a few of the many questions and concerns we have regarding this proposal. NAMI NH is anxious to see what the Governor is proposing in his budget and how that, as well as recommendations of the 10 year plan, all interface with each other. Until we have more information we are not able to take a position relative to this bill.

Thank you for your time, I am happy to try and answer any questions which you have

Respect fully submitted

A handwritten signature in black ink, appearing to read "Kenneth Norton", with a stylized flourish at the end.

Kenneth Norton, LICSW  
Executive Director

# Voting Sheets

# Senate Health and Human Services Committee

## EXECUTIVE SESSION RECORD

2018-2019 Session

Bill # SB 291-FN

Hearing date:

Executive Session date: March 5, 2019

Motion of: Amdnt ~~OTPA~~ 0758s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Sherman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Fuller Clark, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Sherman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Fuller Clark, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Sherman, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Fuller Clark, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Bradley



**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 5, 2019

THE COMMITTEE ON Health and Human Services

to which was referred **SB 291-FN**

AN ACT

removing juvenile patients from the New  
Hampshire hospital to the Sununu Youth Services  
Center.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0832s

Senator Jeb Bradley  
For the Committee

Doug Marino 271-8631

**HEALTH AND HUMAN SERVICES**

**SB 291-FN**, removing juvenile patients from the New Hampshire hospital to the Sununu Youth Services Center.

Ought to Pass with Amendment, Vote 5-0.

Senator Jeb Bradley for the committee.



# Docket of SB291

**Bill Title:** (New Title) relative to the construction of new mental health facilities.

*Official Docket of SB291.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/29/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Health and Human Services; <b>SJ 4</b>
1/31/2019	S	<b>Hearing:</b> 02/07/2019, Room 101, LOB, 01:45 pm; <b>SC 9</b>
3/6/2019	S	Committee Report: Ought to Pass with Amendment #2019-0832s, 03/14/2019; <b>SC 13</b>
3/14/2019	S	Committee Amendment #2019-0832s, AA, VV; 03/14/2019; <b>SJ 8</b>
3/14/2019	S	<b>Ought to Pass with Amendment</b> 2019-0832s, MA, VV; Refer to Finance Rule 4-5; 03/14/2019; <b>SJ 8</b>
3/20/2019	S	Committee Report: Ought to Pass, 03/27/2019; <b>SC 15</b>
3/27/2019	S	Special Order to the beginning of the regular calendar, Without Objection, MA; 03/27/2019; <b>SJ 10</b>
3/27/2019	S	<b>Ought to Pass:</b> MA, VV; 03/27/2019; <b>SJ 10</b>
3/27/2019	S	Sen. D'Allesandro Moved Laid on Table, MA, VV; 03/27/2019; <b>SJ 10</b>
3/27/2019	S	Pending Motion OT3rdg; 03/27/2019; <b>SJ 10</b>

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NH House

NH Senate

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# Other Referrals

# Senate Inventory Checklist for Archives

Bill Number: SB 291-FN

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0754       - amendment # 0832
- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_
- \_\_\_\_\_ - amendment # \_\_\_\_\_      \_\_\_\_\_ - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

- \_\_\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_\_\_ Enrolled Bill Amendment(s)
- \_\_\_\_\_ Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

- as amended by the senate      \_\_\_\_\_ as amended by the house
- \_\_\_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office



**Senate Inventory Checklist for Archives**

Bill Number: SB 291-FN

Senate Committee: Finance

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_

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- as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office

*MM*