

LEGISLATIVE COMMITTEE MINUTES

# **SB702**

Bill as  
Introduced

SB 702 - AS INTRODUCED

2020 SESSION

20-2977  
05/03

SENATE BILL

**702**

AN ACT relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Ward, Dist 8; Sen. Gray, Dist 6; Sen. Fuller Clark, Dist 21; Rep. Rice, Hills. 37; Rep. Berrien, Rock. 18

COMMITTEE: Health and Human Services

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ANALYSIS

This bill directs the commissioner of health and human services to use a procurement model for administering the department's child welfare program based on certain criteria, including evidence-based practices, efficient delivery of service, value, quality, and innovation.

The bill is a request of the department of health and human services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

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

1       1 New Paragraph; Child Welfare; Procurement Requirements. Amend RSA 126-A:5 by inserting  
2 after paragraph XXXIII the following new paragraph:

3           XXXIV. The commissioner shall employ a procurement model for administering the  
4 department's child welfare program based on evidenced-based practices and efficient delivery of  
5 services based on value, quality assurance, and efficiency, maximizing the potential for savings, and  
6 presenting the most innovative approach compared to other externally administered models.

7       2 Effective Date. This act shall take effect upon its passage.

SB 702 - AS AMENDED BY THE SENATE

03/12/2020 1073s

2020 SESSION

20-2977

05/03

SENATE BILL **702**

AN ACT relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Ward, Dist 8; Sen. Gray, Dist 6; Sen. Fuller Clark, Dist 21; Rep. Rice, Hills. 37; Rep. Berrien, Rock. 18

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill establishes criteria governing the use of contracted providers in the department of health and human services' child welfare program.

The bill is a request of the department of health and human services.

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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~~].  
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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty*

AN ACT relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

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

- 1       1 New Paragraph; Child Welfare; Procurement Requirements. Amend RSA 170-G:4-d by  
2 inserting after paragraph I the following new paragraph:  
3       I-a. The commissioner shall employ a procurement model for administering the provision of  
4 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
5 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
6 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
7 contracted provider, the commissioner may approve and shall pay for placement with another  
8 certified provider on a temporary basis if the commissioner determines that the placement is  
9 necessary to meet the juvenile's immediate treatment needs.  
10       2 Effective Date. This act shall take effect upon its passage.

# Amendments

Sen. Carson, Dist 14  
March 2, 2020  
2020-0988s  
05/04

Amendment to SB 702

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Paragraph; Child Welfare; Procurement Requirements. Amend RSA 170-G:4-d by  
4 inserting after paragraph I the following new paragraph:

5 I-a. The commissioner shall employ a procurement model for administering the provision of  
6 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G  
7 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases  
8 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a  
9 contracted provider, the commissioner may approve and shall pay for placement with another  
10 certified provider on a temporary basis if the commissioner determines that the placement is  
11 necessary to meet the juvenile's immediate treatment needs.

UNAPPROVED



2020-0988s

AMENDED ANALYSIS

This bill establishes criteria governing the use of contracted providers in the department of health and human services' child welfare program.

The bill is a request of the department of health and human services.

UNAPPROVED

Health and Human Services  
March 4, 2020  
2020-1073s  
05/04

Amendment to SB 702

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2

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**Amendment to SB 702**  
**- Page 2 -**

2020-1073s

**AMENDED ANALYSIS**

This bill establishes criteria governing the use of contracted providers in the department of health and human services' child welfare program.

The bill is a request of the department of health and human services.

# 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: February 20, 2020

**HEARINGS**

| Tuesday                    | 03/03/2020                                                                                                                                                                                                                            |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Day)                      | (Date)                                                                                                                                                                                                                                |
| Health and Human Services  | Legislative Office Building 101 1:00 p.m.                                                                                                                                                                                             |
| (Name of Committee)        | (Place) (Time)                                                                                                                                                                                                                        |
| 1:00 p.m. <b>SB 698</b>    | relative to the Interstate Compact on Child Placement.                                                                                                                                                                                |
| 1:15 p.m. <b>SB 699</b>    | relative to the interstate compact on child placement 2009.                                                                                                                                                                           |
| 1:30 p.m. <b>SB 702</b>    | relative to contracting requirements for certain providers of child welfare services with the department of health and human services.                                                                                                |
| 1:45 p.m. <b>SB 672</b>    | relative to behavioral health services for children and certain revisions to notifications of discharge for individuals found incompetent to stand trial and nonemergency involuntary admissions revocation of conditional discharge. |
| 2:15 p.m. <b>SB 599</b>    | relative to testing for lead in water in schools and child care facilities.                                                                                                                                                           |
| 2:45 p.m. <b>SB 754-FN</b> | establishing a dental benefit under the state Medicaid program.                                                                                                                                                                       |

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 698**

Sen. Morgan  
Sen. Fuller Clark  
Rep. Hennessey

Sen. Gray  
Sen. Bradley

Sen. Sherman  
Rep. Rice

Sen. D'Allesandro  
Rep. Berrien

**SB 699**

Sen. Carson  
Rep. Berrien

Sen. Reagan  
Rep. Rice

Sen. Bradley  
Rep. DeSimone

Rep. Long

**SB 702**

Sen. Carson  
Sen. Fuller Clark

Sen. Bradley  
Rep. Rice

Sen. Ward  
Rep. Berrien

Sen. Gray

**SB 672**

Sen. Carson  
Rep. Berrien

Sen. Gray

Sen. French

Rep. Rice

**SB 599**

Sen. Rosenwald  
Sen. D'Allesandro  
Sen. Sherman  
Rep. Martin

Sen. Feltes  
Sen. Fuller Clark  
Rep. Cloutier  
Rep. Hennessey

Sen. Cavanaugh  
Sen. Soucy  
Rep. Wallner

Sen. Kahn  
Sen. Hennessey  
Rep. Stapleton

**SB 754-FN**

Sen. Rosenwald  
Sen. Giuda  
Rep. Marsh

Sen. Bradley  
Rep. Danielson  
Rep. Campion

Sen. Sherman  
Rep. Nordgren

Sen. Soucy  
Rep. Bernet

Monica Cooper - 271-8631

Tom Sherman  
Chairman

**AMENDED**  
**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: February 20, 2020

**HEARINGS**

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|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Day)                     | (Date)                                                                                                                                                                                                                                |
| Health and Human Services | Legislative Office Building 101 1:00 p.m.                                                                                                                                                                                             |
| (Name of Committee)       | (Place) (Time)                                                                                                                                                                                                                        |
| 1:00 p.m. SB 698          | relative to the Interstate Compact on Child Placement.                                                                                                                                                                                |
| 1:10 p.m. SB 699          | relative to the interstate compact on child placement 2009.                                                                                                                                                                           |
| 1:20 p.m. SB 702          | relative to contracting requirements for certain providers of child welfare services with the department of health and human services.                                                                                                |
| 1:30 p.m. SB 672          | relative to behavioral health services for children and certain revisions to notifications of discharge for individuals found incompetent to stand trial and nonemergency involuntary admissions revocation of conditional discharge. |
| 2:00 p.m. SB 599          | relative to testing for lead in water in schools and child care facilities.                                                                                                                                                           |
| 2:30 p.m. SB 754-FN       | establishing a dental benefit under the state Medicaid program.                                                                                                                                                                       |
| 3:00 p.m. SB 758-FN       | relative to banning kratom.                                                                                                                                                                                                           |

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 698**

Sen. Morgan  
Sen. Fuller Clark  
Rep. Hennessey

Sen. Gray  
Sen. Bradley

Sen. Sherman  
Rep. Rice

Sen. D'Allesandro  
Rep. Berrien

**SB 699**

Sen. Carson  
Rep. Berrien

Sen. Reagan  
Rep. Rice

Sen. Bradley  
Rep. DeSimone

Rep. Long

**SB 702**

Sen. Carson  
Sen. Fuller Clark

Sen. Bradley  
Rep. Rice

Sen. Ward  
Rep. Berrien

Sen. Gray

**SB 672**

Sen. Carson  
Rep. Berrien

Sen. Gray

Sen. French

Rep. Rice

**SB 599**

Sen. Rosenwald  
Sen. D'Allesandro  
Sen. Sherman  
Rep. Martin

Sen. Feltes  
Sen. Fuller Clark  
Rep. Cloutier  
Rep. Hennessey

Sen. Cavanaugh  
Sen. Soucy  
Rep. Wallner

Sen. Kahn  
Sen. Hennessey  
Rep. Stapleton

**SB 754-FN**

Sen. Rosenwald  
Sen. Giuda  
Rep. Marsh

Sen. Bradley  
Rep. Danielson  
Rep. Campion

Sen. Sherman  
Rep. Nordgren

Sen. Soucy  
Rep. Bernet

Monica Cooper - 271-8631

Tom Sherman  
Chairman



# Senate Health and Human Services Committee

*Monica Cooper - 271-8631*

**SB 702**, relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

**Hearing Date:** March 3, 2020

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

**Members of the Committee Absent :** Senators Sherman and Fuller Clark

**Bill Analysis:** This bill directs the commissioner of health and human services to use a procurement model for administering the department's child welfare program based on certain criteria, including evidence-based practices, efficient delivery of service, value, quality, and innovation.

The bill is a request of the department of health and human services.

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**Sponsors:**

Sen. Carson

Sen. Bradley

Sen. Ward

Sen. Gray

Sen. Fuller Clark

Rep. Rice

Rep. Berrien

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**Who supports the bill:** Sen. Carson, Dist. 14; Sen. Ward, Dist. 8; Sen. Gray, Dist. 6; Sen. Fuller Clark, Dist. 21; Joseph Ribsam, (DHHS); Michelle Wangerin (NH Legal Assistance)

**Who opposes the bill:** None

**Who is neutral on the bill:** None

**Summary of testimony presented:**

Sen. Carson:

- She shared that this bill was requested by the Department of Health and Human Services.
- This bill requires the Commissioner of Health and Human Services to use a model based on specific criteria when administering the department's Child Welfare Program. The criteria include, evidence-based practices, efficient delivery of service, value, quality, and innovation.
- She introduced Amendment 0988s. The department supports this amendment.

Joseph Ribsam; *Director of the Department of Children, Youth and Family Services:*

- He said the department takes responsibility for changing this bill at the onset of its introduction. When drafting this bill, the department rushed to meet the filing deadline. Unable to get the bill to where it needed to be by the deadline, they submitted this language as a placeholder. The amendment is a complete re write of SB 702 and reflects what the department had intended to introduce originally.
- This bill as amended moves forward the work that they are already in the process of doing, reinforces that they have the authority to do this work, and ensures that their providers will join them in the process.
- He presented to the Senate Health and Human Services Committee a few weeks back. At that time, he discussed the Office of the Child Advocate Restraint and Seclusion Report. He shared that they will be creating a plan for going through a contracting process for all of their residential providers.
- Currently, residential providers do not have contracts with the department. However, residential providers are required to meet minimum basic regulatory standards in order to be certified as a provider by the department. Providers get paid at whatever rate was established at the time that they were certified.
- The department is looking to procure, for the first time, an entire contracting system with the resources they were allocated in the last budget. This system would require providers to meet standards around child-informed care and in incorporating an accredited program. There are three major accrediting bodies; the Joint Commission, the Commission on Accreditation of Rehabilitation Facilities (CARF), and the Council on Accreditation (COA). These accrediting bodies bring forth standards. They require the department to incorporate “Six Core Strategies” to reduce restraints and seclusion, and to increase clinical capacity to meet the clinical needs of children.
- The goal is to have a system of providers that have different levels of care, different intensities in their clinical services for individual children’s needs, and to be able to meet children’s needs so that they can get out of residential care sooner and return to their community. The department does not want children to grow up in residential programs, because children should grow up in homes.
- Their intent is to move forward with procurement by this summer. This legislation just codifies that the department and providers will move forward in the contracting process. This bill as amended will also ensure that the department can hold providers accountable for delivering specific actions, have better monitoring of outcomes, incorporate data collection from providers that they currently do not have the ability to get, and advance the residential system.

mec

Date Hearing Report completed: March 5, 2020

# Speakers

# Senate Health & Human Services Committee SIGN-IN SHEET

Date: Tuesday, March 3rd, 2020      Time: 1:20 p.m.

**SB 702**      Relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

Name/Representing (please print neatly)

| Name/Representing (please print neatly) | Support                             | Neutral                  | Oppose                   | Speaking? | Yes                      | No                                  |
|-----------------------------------------|-------------------------------------|--------------------------|--------------------------|-----------|--------------------------|-------------------------------------|
| Michelle Wangerin NH Legal Assistance   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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# Voting Sheets

**Senate Health and Human Services Committee**  
**EXECUTIVE SESSION RECORD**  
*2019-2020 Session*

Bill # SB 702

Hearing date: 3/3/2020

Executive Session date: 3/3/2020

Motion of: OTP 0988s Vote: 4-0

| 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 type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input 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: OTP/A Vote: 4-0

| 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 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 type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Sen. Gray                     | <input checked="" type="checkbox"/> | <input checked="" 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: Sen Sherman

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



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, March 4, 2020

THE COMMITTEE ON Health and Human Services

to which was referred **SB 702**

AN ACT

relative to contracting requirements for certain providers of child welfare services with 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: 4-0

Amendment # 1073s

Senator Tom Sherman  
For the Committee

Monica Cooper - 271-8631

## General Court of New Hampshire - Bill Status System

**Docket of SB702**

Docket Abbreviations

**Bill Title:** relative to contracting requirements for certain providers of child welfare services with the department of health and human services.

*Official Docket of SB702.:*

| <b>Date</b> | <b>Body</b> | <b>Description</b>                                                                      |
|-------------|-------------|-----------------------------------------------------------------------------------------|
| 1/15/2020   | S           | <b>Introduced</b> 01/08/2020 and Referred to Health and Human Services; <b>SJ 2</b>     |
| 2/20/2020   | S           | ==TIME CHANGE== <b>Hearing:</b> 03/03/2020, Room 101, LOB, 01:20 pm; <b>SC 9</b>        |
| 3/4/2020    | S           | Committee Report: Ought to Pass with Amendment #2020-1073s, 03/11/2020; <b>SC 10</b>    |
| 3/11/2020   | S           | Special Order to 03/12/2020, Without Objection, MA; 03/11/2020 <b>SJ 6</b>              |
| 3/12/2020   | S           | Committee Amendment #2020-1073s, AA, VV; 03/12/2020; <b>SJ 7</b>                        |
| 3/12/2020   | S           | <b>Ought to Pass with Amendment</b> 2020-1073s, MA, VV; OT3rdg; 03/12/2020; <b>SJ 7</b> |
| 6/30/2020   | H           | Introduced and Laid on Table MA VV 06/30/2020                                           |

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 702

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):

2020 - amendment # 0988s       - amendment # \_\_\_\_\_

2020 - amendment # 1073s       - 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:

Monica Cooper  
Committee Aide

7/22/2020  
Date

Senate Clerk's Office JM