

REGULAR CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 238,

AN ACT relative to the role of quality control and the developmental disability service system. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Joe Schapiro

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Health, Human Services and Elderly Affairs |
| Bill Number: | HB 238 |
| Title: | relative to the role of quality control and the developmental disability service system. |
| Date: | March 8, 2023 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT 2023-0841h |

STATEMENT OF INTENT

Recent discussions related to the redesign of the Bureau of Developmental Services (BDS) has resulted in considerable concern and, in some cases, friction between BDS, families, and service providers. This bill will ensure that consumers, families, and service providers through their participation in the Developmental Services Quality Council, are full participants in any future decisions about changes in service provision.

Vote 18-2.

Rep. Joe Schapiro
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Health, Human Services and Elderly Affairs

HB 238, relative to the role of quality control and the developmental disability service system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. Recent discussions related to the redesign of the Bureau of Developmental Services (BDS) has resulted in considerable concern and, in some cases, friction between BDS, families, and service providers. This bill will ensure that consumers, families, and service providers through their participation in the Developmental Services Quality Council, are full participants in any future decisions about changes in service provision. **Vote 18-2.**

REGULAR CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 238,

AN ACT relative to the role of quality control and the developmental disability service system. Having considered the same, and being unable to agree with the Majority, report with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Leah Cushman

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Health, Human Services and Elderly Affairs |
| Bill Number: | HB 238 |
| Title: | relative to the role of quality control and the developmental disability service system. |
| Date: | March 8, 2023 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT 2023-0909h |

STATEMENT OF INTENT

The minority of the committee supports the underlying bill and the majority amendment except section VII which creates an exception to the physical quorum requirement of RSA 91-A. The minority amendment removes this problematic section. RSA 91-A already provides that members of legislative bodies may attend meetings remotely with permission of the chair, but that a quorum must be physically present. Remotely voting is not permitted in current statute. Section VII of the bill as amended by the majority is a slippery slope that we should not venture unto knowing that there exists AI technology that can recreate the image and voice of a person that appears completely real. Hackers, foreign adversaries, and others could use this technology to change legislative outcomes. Although the minority of the committee is sympathetic to the reasons why proponents want this change, we believe any movement toward remote voting in government directly threatens the democratic process.

Rep. Leah Cushman
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Health, Human Services and Elderly Affairs

HB 238, relative to the role of quality control and the developmental disability service system.
OUGHT TO PASS WITH AMENDMENT.

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. The minority of the committee supports the underlying bill and the majority amendment except section VII which creates an exception to the physical quorum requirement of RSA 91-A. The minority amendment removes this problematic section. RSA 91-A already provides that members of legislative bodies may attend meetings remotely with permission of the chair, but that a quorum must be physically present. Remotely voting is not permitted in current statute. Section VII of the bill as amended by the majority is a slippery slope that we should not venture unto knowing that there exists AI technology that can recreate the image and voice of a person that appears completely real. Hackers, foreign adversaries, and others could use this technology to change legislative outcomes. Although the minority of the committee is sympathetic to the reasons why proponents want this change, we believe any movement toward remote voting in government directly threatens the democratic process.

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 238

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

2

3 1 Developmental Services Quality Council. Amend RSA 171-A:33 to read as follows:

4 171-A:33 Developmental Services Quality Council Established; Membership; Duties.

5 I. There is established the developmental services quality council to provide leadership for
6 consistent, systemic review and improvement of the quality of the developmental disability and
7 acquired brain disorder services provided within New Hampshire's developmental services system.
8 At least 51 percent of the members of the council shall be individuals with disabilities served by the
9 system or parents of individuals served by the system. The members of the council shall be as
10 follows:

11 (a) The commissioner of the department of health and human services, or designee.

12 (b) A representative of People First of New Hampshire, appointed by such organization.

13 (c) A representative of Advocates Building Lasting Equality in New Hampshire (ABLE
14 NH), appointed by such organization.

15 (d) A representative of the New Hampshire council on autism spectrum disorders who
16 shall be either the individual who has an autism spectrum disorder or the family member of a person
17 who has an autism spectrum disorder, appointed by the council.

18 (e) A representative of the Brain Injury Association of New Hampshire, appointed by the
19 association.

20 (f) Two representatives of the New Hampshire Developmental Disabilities Council, at
21 least one of whom shall be a person with a developmental disability, appointed by the council.

22 (g) Three representatives of local Family Support Councils, appointed by the state
23 Family Support Council.

24 (h) One direct support professional and one enhanced family care provider, appointed by
25 the New Hampshire Developmental Disabilities Council.

26 (i) Three representatives of area agency boards of directors including at least 2 persons
27 with a developmental disability or family members of such persons, appointed by the Community
28 Support Network Incorporated.

29 (j) A representative of the Community Support Network Incorporated, appointed by such
30 organization.

31 (k) A representative of the Private Provider Network, appointed by such organization.

32 (l) The director of the Institute on Disability, University of New Hampshire, or designee.

Amendment to HB 238

- Page 2 -

1 (m) A representative of the [~~Disabilities~~] **Disability** Rights Center - *NH*, appointed by
2 the center.

3 (n) Up to 5 additional members, nominated by the council and appointed by the
4 governor.

5 II. The groups represented under paragraph I are encouraged to provide, according to their
6 ability, the in-kind and other resources necessary for the council to succeed. The council may
7 request information and analysis on quality from the department of health and human services, area
8 agencies, and providers. The council shall have access to all non-confidential information on quality
9 for services funded all or in part by public funds.

10 III. The council shall regularly review information on the quality of developmental services
11 in New Hampshire and make recommendations for improving service quality and the quality
12 assurance and continuous improvement systems, including but not limited to:

13 (a) Standards of quality and performance expected of area agencies and provider
14 agencies.

15 (b) Types of data to be collected, analyzed, and disseminated to determine whether
16 standards are being met.

17 (c) Quality assurance and oversight mechanisms to be used to gather data and
18 information.

19 (d) Content, frequency, and recipients of quality evaluation and improvement reports.

20 (e) Expectations and procedures for following up on identified areas where
21 improvements are needed.

22 (f) Structures, policies, rules, and practices, including staffing or organizational changes,
23 to ensure that the developmental services system works as intended in RSA 171-A:1, including:

24 (1) Ways of supporting values-based and person-centered service planning and
25 provision, as well as problem solving, innovation, and learning;

26 (2) Recognizing and disseminating what is working well (best/model practices); [~~and~~]

27 (3) ***Significant changes proposed by the department relating to, or which***
28 ***may impact any of, the practices, policies, standards, rates, budgets, funding formulae, or***
29 ***rights pertaining to eligibility or provision of supports and services under RSA 171-A; and***

30 [~~(3)~~] (4) Reviewing, interpreting, and disseminating data and information on a
31 regular basis to bring about transparency for all stakeholders and the public.

32 IV. ***For proposed consulting or service contracts involving the provision of***
33 ***developmental services, the department shall:***

34 (a) ***Confer and receive input from the council on provisions to be included in***
35 ***any request for proposals and contracts.***

1 ***(b) Require the selected contractor to solicit input from the council prior to***
2 ***issuing any findings or recommendations to the department or any other government***
3 ***entity.***

4 ***V. The department shall respond to the council's recommendations for improving***
5 ***service quality and the quality assurance and continuous improvement systems in writing***
6 ***within 30 days of receipt of the council's recommendations. The department's response***
7 ***shall include the following:***

8 ***(a) A statement indicating whether it agrees or disagrees with each of the***
9 ***council's recommendations;***

10 ***(b) For each recommendation it agrees with, a detailed plan for how the***
11 ***department will address the areas identified as needing improvement including the***
12 ***specific steps the department plans to take, along with a timeline for each step; and***

13 ***(c) For any recommendation it does not agree with, an explanation of the basis***
14 ***for its disagreement and rationale for its decision not to take action on any specific***
15 ***recommendation.***

16 ~~[IV]~~ ***VI.*** The council shall make an annual report beginning on November 1, 2010 that
17 includes its recommendations and an assessment of the actions taken in response to previous
18 recommendations to the governor, the speaker of the house of representatives, the president of the
19 senate, the members of the house committee on health, human services and elderly affairs and the
20 members of the senate committee on health and human services.

21 ~~[V]~~ ***VII.*** The meetings shall be convened by the ***chair or vice chair of the council or***
22 ***commissioner of the department of health and human services, [or designee,]*** and shall meet
23 regularly as determined by the council. The meetings shall be open to the public and subject to the
24 provisions of RSA 91-A, the right-to-know law. The council may establish bylaws for governing its
25 meetings, decisions, and other operations. ~~[A quorum of the council shall be a majority plus one~~
26 ~~member of the appointed members of the council.]~~ ***For the purpose of convening council***
27 ***meetings in compliance with RSA 91-A, a quorum of the council shall be a majority plus***
28 ***one member of the appointed members of the council. Members who are not able to be***
29 ***physically present at council meetings due to their disabilities or the disability of a family***
30 ***member shall be counted as attending "in person" for the purpose of the establishment of a***
31 ***quorum provided that each member participating electronically or otherwise is able to***
32 ***simultaneously hear and speak to each other council member during the meeting, and***
33 ***shall be audible or otherwise discernable to public in attendance at the meeting's location.***
34 ***Any member participating in such fashion shall identify the persons present in the location***
35 ***from which the member is participating.***

36 ***VIII.*** ***When the department of health and human services is evaluating or***
37 ***determining the need or desirability for any changes relating to, or which may impact, any***

1 *of the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining*
2 *to eligibility or provision of supports and services under RSA 171-A, including, but not*
3 *limited to, the components listed in RSA 171-A:33, III, the department shall solicit input*
4 *and recommendations from the council at the initial stages of such consideration and at*
5 *all stages thereafter and give due deference to the council's input and recommendations on*
6 *whether, or how, to make any such changes. The department shall receive input from the*
7 *council on provisions to be included in any request for proposal and contract and give due*
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11 *contractor selected to solicit input from the council on any findings or recommendations*
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13 *government entity.*

14 2 Effective Date. This act shall take effect 60 days after its passage.

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Amendment to HB 238

- Page 4 -

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2 *the contractor is considering or intending to make to the department or any other*
3 *government entity.*

4 2 Effective Date. This act shall take effect 60 days after its passage.

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 238

BILL TITLE: relative to the role of quality control and the developmental disability service system.

DATE: March 8, 2023

LOB ROOM: 201-203

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Schapiro Seconded by Rep. J. Murphy AM Vote: 19-0

Amendment # 2023-0814h

Moved by Rep. Schapiro Seconded by Rep. Palmer Vote: 18-2

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Bill King, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # HB 238

BILL TITLE: ...

DATE: 3/8/23

LOB ROOM: 201-203

MOTION: (Please check one box)

- OTP ITL Retain (1st year) Adoption of 2023
Amendment # 0814h
(if offered)
- Interim Study (2nd year)

Moved by Rep. SCHAPIRO Seconded by Rep. MURPHY Vote: 19-0

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
(if offered)
- Interim Study (2nd year)

Moved by Rep. SCHAPIRO Seconded by Rep. PALMER Vote: 18-2

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
(if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

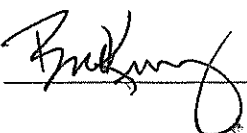
MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
(if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ___ YES NO

Minority Report? Yes ___ No If yes, author, Rep: CUSHMAN Motion AMEND ^{OTP w/}

Respectfully submitted: 



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/6/2023 12:36:33 PM
Roll Call Committee Registers
Report

2023 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB238 Motion: DTP/A AM #: 2023 0814h Exec Session Date: 3/8/23

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---|-------------|-------------|-----------|
| MacDonald, Wayne D. Chairman | — | — | |
| Layon, Erica J. Vice Chairman | 18 | | |
| Cushman, Leah P. | | 1 | |
| King, Bill C. Clerk | 1 | | |
| Kofalt, Jim | 2 | | |
| McLean, Mark | 3 | | |
| King, Seth | 4 | | |
| Mazur, Lisa R | 5 | | |
| Nagel, David J | 6 | | |
| Polozov, Yury | | 2 | |
| LOVE, DAVID | 7 | | |
| Weber, Lucy M. | 8 | | |
| Mackay, James R. | 9 | | |
| Freitas, Mary C. | 10 | | |
| Cannon, Gerri D. | 11 | | |
| Nutter-Upham, Frances E. | 12 | | |
| Schapiro, Joe | 13 | | |
| Merchant, Gary HOWARD, MOLLY | 14 | | |
| Murphy, James Michael | 15 | | |
| Palmer, William S | 16 | | |
| Tellez, Trinidad SENG, LOREN | 17 | | |
| TOTAL VOTE: | | | |

18 2



2023 SESSION

Health, Human Services and Elderly Affairs

Bill #: HVS 238 Motion: OTP AM #: 2023 0814h Exec Session Date: 3/8/23

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---|-------------|-------------|-----------|
| MacDonald, Wayne D. Chairman LOVE, DAVID | — | — | |
| Layon, Erica J. Vice Chairman | 19 | | |
| Cushman, Leah P. | 1 | | |
| King, Bill C. Clerk | 2 | | |
| Kofalt, Jim | 3 | | |
| McLean, Mark | 4 | | |
| King, Seth | | | 1 |
| Mazur, Lisa R | 5 | | |
| Nagel, David J | 6 | | |
| Polozov, Yury | 7 | | |
| ← LOVE, DAVID | 8 | | |
| Weber, Lucy M. | 9 | | |
| Mackay, James R. | 10 | | |
| Freitas, Mary C. | 11 | | |
| Cannon, Gerri D. | 12 | | |
| Nutter-Upham, Frances E. | 13 | | |
| Schapiro, Joe | 14 | | |
| Merchant, Gary | 15 | | |
| → HOWARD, MOLLY | | | |
| Murphy, James Michael | 16 | | |
| Palmer, William S | 17 | | |
| Tellez, Trinidad | 18 | | |
| → LAOREN, SELK | | | |
| TOTAL VOTE: | | | |

19 0 1

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 238

BILL TITLE: relative to the role of quality control and the developmental disability service system.

DATE: February 15, 2023

LOB ROOM: 201-203 **Time Public Hearing Called to Order:** 1:14 pm

Time Adjourned: 2:11 pm

Committee Members: Reps. W. MacDonald, Layon, B. King, Cushman, Kofalt, McLean, S. King, Mazur, Nagel, Weber, MacKay, Freitas, Cannon, Nutter-Upham, Schapiro, Merchant, J.Murphy, and Palmer

Bill Sponsors:

Rep. McMahon

Rep. Lynn

Rep. Edwards

Sen. Gannon

Rep. Schapiro

Rep. Potucek

Rep. Popovici-Muller

Sen. Birdsell

Rep. M. Pearson

Rep. Guthrie

Rep. Kuttab

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Charles McMahon - Windham - Prime Sponsor

- Supports
- Submitted Amendment 2023-049lh

Rep. Schapiro

- Q: Please talk about the amendment

Rep. McMahon

- A: Adding, not changing. If you do not live the life, you will not understand

Rep. Layon

- Q: Will this bill and amendment address the concern people dealing with DD are heard?

Rep. McMahon

- A: Yes

Rep. Layon

- Q: Upon Passage?

Rep. McMahon

- A: Yes, do it while we are young

Rep. MacKay

- Q: Should counsel be young?

Rep. McMahon

- A. No - aggressively mature

Rep. Cushman

- Q: Line 23-27 Page 3 of Amendment?

Rep. Weber

- Q: 91A has exceptions?

Rep. McMahon

- A: Yes

Rep. Merchant

- Q: Quorum - 91A - Physical limitations

Rep. Nutter-Upham

- Q: Addressed 1/3 in person and rest online?

Rep. McMahon

- A: Do not want to abuse transparency

Rep. Nutter-Upham

- Read Rep. Pearson's letter - Rockingham #34 - Supports

Robert Moore and Melissa Nemeth - DHHS

- Information only
- Melissa: Unintended negative consequences - Line 37 on Page 3 continuing on Page 4 of Amendment will inhibit the way DHHS can provide service
- Robert: Concerns - Confidentiality conflicts, Correct vendors/conflict of interest, and Adding another level of approvals

Rep. Weber

- Q: How difficult to solicit feedback from counsel?

Ms. Nemeth

- A: The Dept. feeds they are being heard - need to take this back to DHHS

Deborah Opramolla - Quality Council

- Supports

Rep. Schapiro

- Q: Is it your understanding that the Council will be sharing responsibility with DHHS?

Ms. Opramolla

- A: The Council wants to be heard.

Rep. Layon

- Q: What is the level of (big decisions) conversations (that) the Council handles?

Ms. Opramolla

- A: Not day to day - asking DHHS to be transparent

Maureen Tracey- NOT Present

- Oppose

Cathy Spinney

- Supports
- The Council could have produced the report instead of the A&M Report - it would have presented a totally different result.

***Will Walker**

- Supports
- Submitted written testimony

Jennifer Bertrand

- Supports (as amended)
- Personal testimony
- Council side stepped recently
- During meetings - only way to submit a question is by typing in chat
- Those with disabilities near impossible when they cannot type - gave the Council more teeth

Isadora Rodriguez-Legendre - NH Council on Developmental Disabilities

- Supports

Respectfully submitted,

Rep. Bill King, Clerk

House Remote Testify

Health, Human Services and Elderly Affairs Committee Testify List for Bill HB238 on 2023-02-15

Support: 85 Oppose: 3 Neutral: 0 Total to Testify: 0

Export to Excel

| <u>Name</u> | <u>City, State</u> <u>Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>Signed Up</u> |
|---------------------|--|------------------------|---------------------|-----------------|-------------------|--------------------|--------------------|
| Forgit, Cathy | East Hampstead, NH cabernetnh@comcast.net | A Member of the Public | Myself | Support | No | No | 2/10/2023 1:41 PM |
| PETERSEN, MICHELE | NEW BOSTON, NH thepetersenhouse@gmail.com | A Member of the Public | Myself | Support | No | No | 2/10/2023 3:13 PM |
| DeScenza, Deborah | Exeter, NH ddg1213@hotmail.com | A Member of the Public | Myself | Support | No | No | 2/10/2023 6:08 PM |
| Moccia, Lianne | Lebanon, NH lianne.moccia@gmail.com | A Member of the Public | Myself | Support | No | No | 2/12/2023 7:25 PM |
| Koch, Laurie | Concord, NH kochlj@aol.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 9:04 AM |
| Damon, Claudia | Concord, NH cordsdamon@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 9:11 AM |
| Hackmann, Kent | Andover, NH hackmann@uidaho.edu | A Member of the Public | Myself | Support | No | No | 2/13/2023 9:25 AM |
| Spielman, Kathy Sue | Durham, NH jspielman@comcast.net | A Member of the Public | Myself | Support | No | No | 2/13/2023 10:35 AM |
| Jones, Andrew | Pembroke, NH arj11718@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 10:46 AM |
| Devore, Gary | Pembroke, NH torin_asheron@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 10:54 AM |
| Dudal, Tammy | Atkinson, NH dudaltrc@cs.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 11:26 AM |
| Liscord, Barbara | Mont Vernon, NH barbmcklis@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 12:13 PM |
| Keegan, John | BOscawen, NH peoresnada@tds.net | A Member of the Public | Myself | Support | No | No | 2/13/2023 12:41 PM |

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|-----------------------|---|------------------------|--------|---------|----|----|--------------------|
| Rettew, Ann | Concord, NH abrettew@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 12:48 PM |
| Donovan, Michelle | Farmington, NH mdonovan@livinginnovations.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 1:02 PM |
| Walker, Deborah Klein | Meredith, NH deb.publichealth@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 1:02 PM |
| Perencevich, Ruth | Concord, NH rperence@comcast.net | A Member of the Public | Myself | Support | No | No | 2/13/2023 1:05 PM |
| Wessels, Susan | RINDGE, NH slwessels2010@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 1:56 PM |
| Sahl, Ben | Merrimack, NH ben.sahl@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 2:42 PM |
| Bissex, Hannah | Rindge, NH hannahinrindge@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 3:08 PM |
| Thomas, A | Rindge, NH annekerosie@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 3:08 PM |
| Hershey, Jane | Rindge, NH janelhershey@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 3:08 PM |
| Martin, Patricia | Rindge, NH pmartin2894@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 3:08 PM |
| Moore, Susan | Franconia, NH susan.moore.franconia@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 3:58 PM |
| Fudge, Kim Marie | NORTH CONWAY, NH kimfudge20@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 4:12 PM |
| Snyder, Sarah | Pembroke, NH ssnyder@communitycrossroadsnh.org | A Member of the Public | Myself | Support | No | No | 2/13/2023 4:13 PM |
| Etlinger, Alan | Brookline,NH, NH aetlinger@charter.net | A Member of the Public | Myself | Oppose | No | No | 2/13/2023 4:44 PM |
| Walbridge, Tracy | Rochester, NH tracywalbridge@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/13/2023 5:59 PM |
| MacGregor, Leslie | Grantham, NH lsmacgregor@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 6:41 PM |
| DeMark, Richard | Meredith, NH demarknh114@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 7:50 PM |
| DeMark, Harriet | Meredith, NH demarknh114@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 7:50 PM |

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|---------------------|---|------------------------|--------|---------|----|-----|--------------------|
| Koch, Helmut | Concord, NH helmut.koch.2001@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 8:05 PM |
| Richman, Susan | Durham, NH susan7richman@gmail.com | A Member of the Public | Myself | Support | No | No | 2/13/2023 9:52 PM |
| Istel, Claudia | Acworth, NH cistel79@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 12:00 AM |
| Brown, Howard | Mont Vernon, NH hobro39@hotmail.com | An Elected Official | Myself | Support | No | No | 2/14/2023 9:18 AM |
| Raspiller, Cindy | Mont Vernon, NH raspicl@hotmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:28 AM |
| Phillips, Betsey | Bethlehem, NH bphil36@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:32 AM |
| Phillips, Chuck | Bethlehem, NH chuckpnh@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:41 AM |
| Crocker, Richard | Meredith, NH richcrocker@metrocast.net | A Member of the Public | Myself | Support | No | No | 2/14/2023 10:00 AM |
| MacKay, Mariellen | Nashua, NH mjmackay@comcast.net | A Member of the Public | Myself | Support | No | No | 2/14/2023 10:27 AM |
| Kelly, Jim and Nina | Auburn, NH jnkelly154@comcast.net | A Member of the Public | Myself | Support | No | No | 2/14/2023 11:10 AM |
| Dumont, Rick | Manchester, NH Rdumont1@aol.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 12:21 PM |
| Tiernan, Dan | Litchfield, NH dtiernan@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 12:38 PM |
| Harmon, Janet | Manchester, NH janetharmon@siddharthservices.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 1:22 PM |
| Turnbull, Joseph | Manchester, NH jatbull2000@yahoo.com | A Member of the Public | Myself | Support | No | Yes | 2/14/2023 2:05 PM |
| Torpey, Jeanne | Concord, NH jtorp51@comcast.net | A Member of the Public | Myself | Support | No | No | 2/14/2023 3:10 PM |
| Marcoux, Noel | Nashua, NH nrmarcoux@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 3:25 PM |
| Owens, Jennifer | Manchester, NH jenniferowens@siddharthservices.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 3:29 PM |
| Ellermann, Maureen | Concord, NH ellermannf@aol.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 5:32 PM |

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|---------------------|--|------------------------|----------------------------------|---------|----|----|--------------------|
| Evans, Krysten | Pelham, NH Krysten@ABLENH.org | A Member of the Public | ABLE NH | Support | No | No | 2/14/2023 6:03 PM |
| Levesque, Jadine | Seabrook, NH Chongjl@comcast.net | A Member of the Public | Myself | Support | No | No | 2/14/2023 7:16 PM |
| Brennan, Nancy | Weare, NH burningnan14@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 7:47 PM |
| Brennan, Arthur | Weare, NH arete201314@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 7:49 PM |
| Smith, Rachelle | MOULTONBOROUGH, NH flyskys@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 7:57 PM |
| Brennan, Jane | Weare, NH janelb@gsinet.net | A Member of the Public | Myself | Support | No | No | 2/14/2023 8:03 PM |
| Rundquist, Patricia | Bedford, NH rundfam1@msn.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 8:31 PM |
| Bertrand, Brady | Mont Vernon, NH bradyman8mc@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:13 PM |
| Bertrand, Jennifer | Mont Vernon, NH jennifer.j.bertrand@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:17 PM |
| Hayes, Randy | Canterbury, NH rcompostr@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:18 PM |
| Donnelly, Ryan | Hudson, NH rdonnelly@gsil.org | A Member of the Public | Granite State Independent Living | Support | No | No | 2/14/2023 9:46 PM |
| Bartlett, Christy | Concord, NH peter.christybartlett@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:46 PM |
| Bertrand, Shawn | Mont Vernon, NH shawn.bertrand@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:46 PM |
| Bertrand, Chloe | Mont Vernon, NH chloelbertrand@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 9:48 PM |
| Rosenberger, Teresa | Manchester, NH trosenberger@bssn.com | A Lobbyist | NH Brain Injury Association | Support | No | No | 2/14/2023 10:11 PM |
| Hinebauch, Mel | Concord, NH melhinebauch@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 11:09 PM |
| Spencer, Rob | Concord, NH rfspencer@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 11:11 PM |
| Spencer, Louise | Concord, NH lpskentstreet@gmail.com | A Member of the Public | Myself | Support | No | No | 2/14/2023 11:13 PM |

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| Bishop, Nancy | Plaistow, NH nanbis71@gmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 12:21 AM |
| Johnson, Judith | Goffstown, NH judygjohnson@gmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 6:40 AM |
| McDowell, Karen | Gilford, NH karen.l.mcdowell66@gmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 7:04 AM |
| Bouchard, Steve | Goffstown, NH stevepbouchard@comcast.net | A Member of the Public | Myself and son | Support | No | No | 2/15/2023 7:39 AM |
| Andrews, Gloria | Chichester, NH gloria.andrews@gmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 8:21 AM |
| Lamphier, Regan | Nashua, NH reganburkelamphier@gmail.com | An Elected Official | Myself | Support | No | No | 2/15/2023 8:27 AM |
| Bowman, Shawna | Concord, NH sbowman@cbinnh.org | A Member of the Public | Myself | Support | No | No | 2/15/2023 8:27 AM |
| Blake, Karen | North Woodstock, NH kblake4213@gmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 8:34 AM |
| Evans, Adrienne | Concord, NH Adrienneferro@comcast.net | A Member of the Public | Myself | Support | No | No | 2/15/2023 8:41 AM |
| koutroubas, Sarah | Concord, NH saiken@cbinnh.org | A Member of the Public | Myself | Support | No | No | 2/15/2023 8:55 AM |
| Hull, Rebecca | Hancock, NH rebhu7@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/15/2023 9:36 AM |
| Maguire, Judith | Laconia, NH judith.maguire@lrns.org | A Member of the Public | Myself | Support | No | No | 2/15/2023 10:21 AM |
| Meador, Stephanie | Atkinson, NH smeador@communitycrossroadsnh.org | A Member of the Public | Myself | Support | No | No | 2/15/2023 10:45 AM |
| Waker, Birgit | Wolfeboro, NH walkerbirgit@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 12:04 PM |
| Richardson, Daniel | Nashua, NH daniel6_22@comcast.net | A Member of the Public | Myself | Support | No | No | 2/15/2023 12:23 PM |
| FRIEDRICH, ED | Loudon, NH erfriedrich@yahoo.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 1:05 PM |
| Ashcroft Rott, Nancy | Loudon, NH lovinnana125@hotmail.com | A Member of the Public | My daughterf | Support | No | No | 2/15/2023 2:52 PM |
| McDonough, Lisa | Newton, NH lmcDonough@communitycrossroadsnh.org | A Member of the Public | Myself | Support | No | No | 2/15/2023 5:07 PM |

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|-------------------|---|---------------------------|--------|---------|----|----|--------------------|
| Pike, Jennifer | New London, NH jennifer-pike@comcast.net | A Member of the Public | Myself | Support | No | No | 2/15/2023 5:26 PM |
| Pike, Charlie | New London, NH jenniferpike16@gmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 5:26 PM |
| Farkas, Catharine | Sanbornton, NH cafarkas@hotmail.com | A Member of the Public | Myself | Support | No | No | 2/15/2023 10:54 PM |



February 15, 2023

Chairman MacDonald
House Health, Human Services and Elderly Affairs Committee
Re: HB 238

Dear members of the House Health, Human Services, and Elderly Affairs Committee,

As a representative of ABLE NH, New Hampshire's only disability justice organization, I am writing to express our strong support for House Bill 238. This bill is critical to improving the quality control and developmental disability service system in our state, and we urge you to consider the importance of this issue for the well-being of individuals with disabilities.

New Hampshire has a strong history of supporting individuals with developmental disabilities, and we have made great strides in improving the quality of care and services for this population. However, there is still much work to be done to ensure that individuals with disabilities receive the highest quality of care and services that they deserve.

The proposed House Bill 238 is an important step in this direction. This bill would require the New Hampshire Department of Health and Human Services to establish a quality control system for developmental disability services. This system would be responsible for monitoring the quality of care and services provided to individuals with developmental disabilities, and for ensuring that providers meet established quality standards.

Research has shown that a strong quality control system is critical to improving the quality of care and services for individuals with developmental disabilities. Studies have found that quality control measures, such as regular monitoring and feedback, can lead to better outcomes for individuals with disabilities, including improved health and well-being, increased independence and community participation, and better employment outcomes (1).

Furthermore, studies have also shown that without appropriate quality control measures, individuals with disabilities are at increased risk of experiencing abuse, neglect, and other forms of mistreatment (2). This risk is particularly high for individuals who are unable to advocate for themselves, such as those with severe intellectual or developmental disabilities.

As an organization that advocates for the rights and well-being of individuals with disabilities, ABLE NH strongly believes that House Bill 238 is necessary to ensure that individuals with developmental disabilities receive the highest quality of care and services possible. We urge you to consider the importance of this bill and to support its passage. Thank you for your attention to this important issue.

Sincerely,
Krysten Evans
Director of Policy and Advocacy

Sources:

1. Johnson, D. R., & Thurlow, M. L. (2014). *Quality Indicators for Assistive Technology in Postsecondary Education and Employment*. Minneapolis: University of Minnesota, National Center on Secondary Education and Transition.
2. Kramarow, E. A. (2005). Health and Well-Being of Adults With Intellectual and Developmental Disabilities: Current State and Future Directions. *American Journal on Intellectual and Developmental Disabilities*, 110(4), 297–305.

MS. JENNIFER PIKE
P.O. BOX 1636
NEW LONDON, NEW HAMPSHIRE 03257

February 15, 2023

Members of the Health, Human Services, and Elderly Affairs Committee

Re: HB238

Dear Chairman McMahon and Members of the Health, Human Services, and Elderly Affairs Committee,

My name is Jennifer Pike and I live in New London, NH with my 18-year-old son Charlie who has multiple complex disabilities, Agenesis of the Corpus Callosum, Autism, Epilepsy, Dyslexia, Disruptive Mood Dysregulation Disorder, and more. I am a single mom, who receives no child support. I am unable to hold a traditional job because of my need to transport my son to multiple doctor's appointments, therapy, counseling appointments, and my required attendance at numerous school meetings. I am paid a small parent stipend as my son's caregiver through the area agency, Community Bridges, given his extraordinary needs and the lack of providers in my area. This has enabled us to survive under these unexpected circumstances.

I am writing to you today relative to HB238 and the quality control of the developmental disability service system. I would like to share some of my experiences with you and why I believe this is so critical in our state.

My son has been disabled for his lifetime; however, it took a little while for me to get others to see what I saw in him as a newborn. At 2 years old, I finally began getting some recognition, and he began Early Supports and Services. By 3 years old, the diagnoses started with Agenesis of the Corpus Callosum, followed by Epilepsy, then Autism.

The diagnoses don't really matter as much, as the level of care. My son has been a client of the same area agency since he was 2 years old. The care started with in-home services and has changed multiple times over the years. I would say the

general scope of what the area agency does, is a lot of empty promises. The difficulties began long ago with trouble getting services covered that had been previously promised or written in the contract. Suddenly, that service was not “allowed” anymore. However, in talking with other parents either from the same agency or other agencies in the state, they were able to get these services.

My case managers changed frequently, thus, the services that were covered seemed to change depending on the case manager you had. The case manager I have now has lasted for quite a while, approximately 4 years. Prior to her coming on board, I was promised a budget increase, as his behaviors were escalating rapidly, and I was requiring more help. I have emails on my old computer that the increase was approved and sent to BDS, however, when my case manager arrived, I asked her to follow up and she saw no request made at all.

These are the types of games the area agencies play with families all the time. It is cruel, and incredibly stressful. But the games have escalated. Twelve months ago, I was referred for a budget increase again. I had gone through all the channels of justifying the need, gathering all the documentation, and confirmed that the referral left Community Bridges and went to BDS. I was told by Community Bridges that the increase would take **two weeks at most** to go through because there was no waiting list at that time. Yet here it is a year later and I still have had no increase to my son’s budget after all these years. Crisis or not, documentation or not, we have not received a budget increase ever.

I have been submitting all my attendance and progress notes on time and my case manager has been complimentary of my progress notes. However, things have now taken a turn for the worse! My case manager’s supervisor has advised her that my progress notes are now insufficient, and is preventing my parent stipends from being paid. I completed the progress notes in the same manner as I did previously, so I was confused as to why they were suddenly insufficient.

I asked for an example of what her supervisor required. I have not heard a response from her supervisor in the five days after requesting it. She told me she would have it the next day. I am suspicious if this is really the nature of the problem. Since my request for an example, I have been approached by a few people that I don’t typically communicate with regarding my position on HB608. Call me crazy, but I feel like my parent stipend is being held hostage because of my political position?

Now, I am not making any accusations per say, but I do find the timing and being contacted rather ironic. Do you feel these connections are too coincidental? I guess it would make more sense if I shared that my current case manager's supervisor also tried to single me out and humiliate me at the UNH Leadership Series in front of the whole class. I'm not sure what problem she has with me because we have NOTHING, and she doesn't want my life!

She has only been involved directly with our case at the area agency for the last two months, but she sure has exercised her power, making sure that I haven't been paid at all. As a result, my bank account is overdrawn because I have bills automatically withdrawn, I have bills that are late, I have been visiting the food pantry for groceries, however, they do not have dairy-free options which my son needs, and my son doesn't understand why I haven't been able to buy him a Valentine's present! I understand if I wasn't being cooperative, however I have submitted attendance and progress reports for both December and January without being paid. It does not take much to harm us seriously financially.

Additionally, families are losing monies that could be used for their needs, to the organization like CSNI who charge in excess of \$50,000 for EACH area agency for administrative charges which seem incredibly excessive. The salaries of the executives of the area agencies range from low \$100,000's to in excess of \$250,000 per year!! Yes, you read that correctly! Lastly, positions like Education Surrogate Parents are being assigned to PIC employees, over outside advocates and parents, at a rate of \$30,000 per year on top of their PIC salaries, which is greater than my son's annual budget.

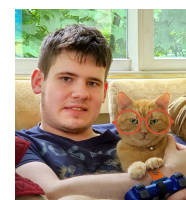
When you are working for an organization that is serving a marginalized group, the normal expectation is that the salaries would be on the lower side, however, clearly this is not the case and our families are being robbed of services when the monies are going to these extravagant salaries and not going to the families who need them. So, it seems that in the current climate, it's all about who you know when it comes to how much your budget totals for the year.

Should you have any questions, please feel free to contact me at 603-748-5960.

Thank you for your time and service,

Jennifer L. Pike

Jennifer L. Pike



Charlie Pike, 18yo with Romi

Cathy Forgit

New Hampshire built a strong, benchmarked system for family and advocates of individuals with developmental disabilities leading with a unified approach to work together to strengthen community and mutual respect. Over time the role of the quality council and its input has been diminished and this core strength must not be lost.

Dan Tiernan

I am a parent of a disabled child. We depend on the services that the bureau of developmental services provide. My child has been very successful, and I thank the bureau for their vision and their many service offerings.

Any program / redesign of, for it to be truly successful, requires that all stakeholders, be part of the process. The stakeholders have first-hand experience of the existing program, and they have valuable knowledge that must be shared, reviewed and considered as part of the decision process, with the main purpose to ensure that this program / redesign will meet and exceed all expectations.

I encourage you to pass this bill.

Janet Harmon

I support this bill

Noel Marcoux

I support this bill. As a parent/guardian of an adult who receives services through the DD Waiver I believe that input and recommendations from DS Quality Council should be sought in the initial stages and all stages of evaluating and determining the need for change.

Jennifer Bertrand

Please support HB 238. I am the mother of an adult woman who experiences a significant developmental disability and we live in Mont Vernon, NH. As amended, the intent of HB 238 is to help ensure the NH Quality Council (QC) makes functional contributions/input/recommendations to HHS specifically, to the Bureau of Developmental Services (BDS). HB 238 also seeks to expand the QC's ability to influence decisions made by BDS and clarifies BDS' responsibility to respond to the QC.

Developmental Services Quality Council, is an independent entity/voice made up of various stakeholders and has been in existence since 2009. Since its inception, the Quality Council has been an important contributor to higher quality services, regularly commenting on waiver design and services, rules, legislation, and policies but its ability to influence decisions is limited. The QC meets regularly just over 50% of the members of the Council are individuals with disabilities served by the system or parents of individuals served by the system. The ideas and opinions of these members are vital to a strong system of services and supports because they are working at the ground level and we provide wrap-around supports. HB 238 supports the Quality Councils' mandate to monitor quality which includes analyzing how changes to the system may affect quality. The QC helps to head off unintended consequences and ensure a strong system of supports and services.

It's necessary for the Quality Council to have a voice in major decisions made by the Department and that the Department responds to Quality Council recommendations in writing and in detail, particularly when recommendations are not adopted. This legislation seeks to ensure this happens. This bill is a reasonable accommodation to foster equity and collaboration.

There is an additional provision within the amended version of HB 238 that seeks to address membership participation via Zoom as an option when needed. Participation flexibility is necessary as many members are people with disabilities or are caring for family members with disabilities who have been hard hit by the workforce crisis and are having a hard time finding and keeping direct support professionals.

Please Support the amended version of HB 238.

Steve Bouchard

I support this bill.

Amendment to HB 238

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

2

3 1 Developmental Services Quality Council. Amend RSA 171-A:33 to read as follows:

4 171-A:33 Developmental Services Quality Council Established; Membership; Duties.

5 I. There is established the developmental services quality council to provide leadership for
6 consistent, systemic review and improvement of the quality of the developmental disability and
7 acquired brain disorder services provided within New Hampshire's developmental services system.
8 At least 51 percent of the members of the council shall be individuals with disabilities served by the
9 system or parents of individuals served by the system. The members of the council shall be as
10 follows:

11 (a) The commissioner of the department of health and human services, or designee.

12 (b) A representative of People First of New Hampshire, appointed by such organization.

13 (c) A representative of Advocates Building Lasting Equality in New Hampshire (ABLE
14 NH), appointed by such organization.

15 (d) A representative of the New Hampshire council on autism spectrum disorders who
16 shall be either the individual who has an autism spectrum disorder or the family member of a person
17 who has an autism spectrum disorder, appointed by the council.

18 (e) A representative of the Brain Injury Association of New Hampshire, appointed by the
19 association.

20 (f) Two representatives of the New Hampshire Developmental Disabilities Council, at
21 least one of whom shall be a person with a developmental disability, appointed by the council.

22 (g) Three representatives of local Family Support Councils, appointed by the state
23 Family Support Council.

24 (h) One direct support professional and one enhanced family care provider, appointed by
25 the New Hampshire Developmental Disabilities Council.

26 (i) Three representatives of area agency boards of directors including at least 2 persons
27 with a developmental disability or family members of such persons, appointed by the Community
28 Support Network Incorporated.

29 (j) A representative of the Community Support Network Incorporated, appointed by such
30 organization.

31 (k) A representative of the Private Provider Network, appointed by such organization.

32 (l) The director of the Institute on Disability, University of New Hampshire, or designee.

1 (m) A representative of the [~~Disabilities~~] **Disability** Rights Center - *NH*, appointed by
2 the center.

3 (n) Up to 5 additional members, nominated by the council and appointed by the
4 governor.

5 II. The groups represented under paragraph I are encouraged to provide, according to their
6 ability, the in-kind and other resources necessary for the council to succeed. The council may
7 request information and analysis on quality from the department of health and human services, area
8 agencies, and providers. The council shall have access to all non-confidential information on quality
9 for services funded all or in part by public funds.

10 III. The council shall regularly review information on the quality of developmental services
11 in New Hampshire and make recommendations for improving service quality and the quality
12 assurance and continuous improvement systems, including but not limited to:

13 (a) Standards of quality and performance expected of area agencies and provider
14 agencies.

15 (b) Types of data to be collected, analyzed, and disseminated to determine whether
16 standards are being met.

17 (c) Quality assurance and oversight mechanisms to be used to gather data and
18 information.

19 (d) Content, frequency, and recipients of quality evaluation and improvement reports.

20 (e) Expectations and procedures for following up on identified areas where
21 improvements are needed.

22 (f) Structures, policies, rules, and practices, including staffing or organizational changes,
23 to ensure that the developmental services system works as intended in RSA 171-A:1, including:

24 (1) Ways of supporting values-based and person-centered service planning and
25 provision, as well as problem solving, innovation, and learning;

26 (2) Recognizing and disseminating what is working well (best/model practices); ~~and~~

27 (3) **Significant changes proposed by the department relating to, or which**
28 **may impact any of, the practices, policies, standards, rates, budgets, funding formulae, or**
29 **rights pertaining to eligibility or provision of supports and services under RSA 171-A; and**

30 ~~(3)~~ (4) Reviewing, interpreting, and disseminating data and information on a
31 regular basis to bring about transparency for all stakeholders and the public.

32 IV. **For proposed consulting or service contracts involving the provision of**
33 **developmental services, the department shall:**

34 (a) **Confer and receive input from the council on provisions to be included in**
35 **any request for proposals and contracts.**

36 (b) **Include a council member, appointed by the chair, to be part of the selection**
37 **process for the contractor.**

1 (c) *Require the selected contractor to solicit input from the council prior to*
2 *issuing any findings or recommendations to the department or any other government*
3 *entity.*

4 V. *The department shall respond to the council's recommendations for improving*
5 *service quality and the quality assurance and continuous improvement systems in writing*
6 *within 30 days of receipt of the council's recommendations. The department's response*
7 *shall include the following:*

8 (a) *A statement indicating whether it agrees or disagrees with each of the*
9 *council's recommendations;*

10 (b) *For each recommendation it agrees with, a detailed plan for how the*
11 *department will address the areas identified as needing improvement including the*
12 *specific steps the department plans to take, along with a timeline for each step; and*

13 (c) *For any recommendation it does not agree with, an explanation of the basis*
14 *for its disagreement and rationale for its decision not to take action on any specific*
15 *recommendation.*

16 ~~[V]~~ VI. The council shall make an annual report beginning on November 1, 2010 that
17 includes its recommendations and an assessment of the actions taken in response to previous
18 recommendations to the governor, the speaker of the house of representatives, the president of the
19 senate, the members of the house committee on health, human services and elderly affairs and the
20 members of the senate committee on health and human services.

21 [V] VII. The meetings shall be convened by the *chair or vice chair of the council or*
22 *commissioner of the department of health and human services, ~~or designee,~~* and shall meet
23 regularly as determined by the council. The meetings shall be open to the public and subject to the
24 provisions of RSA 91-A, the right-to-know law. The council may establish bylaws for governing its
25 meetings, decisions, and other operations. ~~[A quorum of the council shall be a majority plus one~~
26 ~~member of the appointed members of the council.]~~ *For the purpose of convening council*
27 *meetings in compliance with RSA 91-A, a quorum of the council shall be a majority plus*
28 *one member of the appointed members of the council. Members who are not able to be*
29 *physically present at council meetings due to their disabilities or the disability of a family*
30 *member shall be counted as attending "in person" for the purpose of the establishment of a*
31 *quorum provided that each member participating electronically or otherwise is able to*
32 *simultaneously hear and speak to each other council member during the meeting, and*
33 *shall be audible or otherwise discernable to public in attendance at the meeting's location.*
34 *Any member participating in such fashion shall identify the persons present in the location*
35 *from which the member is participating.*

36 VIII. *When the department of health and human services is evaluating or*
37 *determining the need or desirability for any changes relating to, or which may impact, any*

1 *of the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining*
2 *to eligibility or provision of supports and services under RSA 171-A, including, but not*
3 *limited to, the components listed in RSA 171-A:33, III, the department shall solicit input*
4 *and recommendations from the council at the initial stages of such consideration and at*
5 *all stages thereafter and give due deference to the council's input and recommendations on*
6 *whether, or how, to make any such changes. The department shall receive input from the*
7 *council on provisions to be included in any request for proposal and contract and give due*
8 *deference to the council's input when finalizing a request for proposal or contract. The*
9 *department shall also request the council to select a council member to be part of the*
10 *selection process for the bidder and shall include a provision in the contract requiring the*
11 *contractor selected to solicit input from the council on any findings or recommendations*
12 *the contractor is considering or intending to make to the department or any other*
13 *government entity.*

14 2 Effective Date. This act shall take effect 60 days after its passage.

Clerk's copy

HB 238 COSPONSOR (2)

TESTIMONY WEDS FEB 2/15 HHS&EA 11:00 am

Thank you, Mr. Chairman and members of the Health, Human Services and Elderly Affairs Committee.

For the record, my name is Mark Pearson. I am Chairman of the Children and Family Law Committee, and the Joint Legislative DHHS Oversight Committee. And I ^{was} past chairman of this Health, Human Services and Elderly Affairs Committee.

When I first got to Concord I decided to adopt the needs of the DD community as one of my places of interest and have been active in this work for going on seven years.

In my work as p/t Executive Director of a family practice medical center I know several dd patients

When the Department started to consider a redesign of the bureau of developmental services I did some "shuttle diplomacy" among department leaders, the area agencies, and those with DD people at home. While we didn't come to any conclusions, it was apparent that more work has to be done in order to create a system that both serves the department and the recipients. In my opinion we still aren't there yet.

I believe the people working at DHHS in the area of developmental disability planning a change in the system are capable and caring. Not a few of them themselves have dd loved ones. I enjoyed ~~ed~~ my time with the *department leaders.*

However, numbers of stake holders have indicated their input needs to be welcomed and considered more than has happened to date. In my opinion, there's still a disconnect. The bill before us, 238, asks for more input before any contract is finalized. In my opinion, this is most justified.

I could live with any of the three dd bills you are considering today — 608, 317 or this one — as long as the transition to a 2-tier waiver is delayed so further conversation and collaboration can take place.

HB 238

2/15/2023

Since its inception in 2009, the Quality Council seats have been filled with people with disabilities, family members, advocates, providers, area agencies and the Bureau of Developmental Services. At least 51% of the members of the Council are individuals with disabilities served by the system or parents of individuals served by the system. The ideas and opinions of these members are vital to a strong system of services and supports. All of these groups are seated on the Quality Council.

The Council is an independent voice which includes a diverse group of stakeholders with varied thoughts and opinions. The Council's advocacy is a result of regular discussions and compromises from all the stakeholders. This voice is critical.

This legislation, as amended, seeks to expand the Quality Council's ability to influence decisions made by the Bureau of Developmental Services and clarifies the responsibility of the Bureau of Developmental Services to respond to Quality Council concerns.

The Quality Council was not invited to participate in the Developmental Services redesign and the Bureau has not directly addressed concerns about the redesign. Developmental Services redesign and the Bureau has not directly addressed concerns about the redesign shared by the Council. Over the last two decades, the Quality Council has advocated for quality services for people with

developmental disabilities in areas such as managed care, employment rights, equitable distribution of American Rescue Plan Act funding for direct support works, DD waiver reauthorization, and dozens of rules impacting the quality of services. It is critical that the Quality Council have a voice in major decisions by the Department and that the Department responds to Quality Council have a voice in major decisions by the Department and that the Department responds to the Quality Council recommendations in writing and in detail. Particularly when recommendations are NOT adopted. This legislation seeks to ensure this happens. Also, the legislation addresses issues the ability of the Quality council members to participate in meetings via Zoom, which is critical as many members are people with disabilities or are caring for family members with disabilities.

Deborah Opramolla

Quality Council member

dopramolla@gmail.com

2023 Legislative Session
Testimony in Support of HB238

To: House HHS & Elderly Affairs Committee

My name is Cathy Spinney and I am a single parent of Kelly, a 40-year-old adult young woman with severe disabilities. I live in Pelham and I am **IN-FAVOR of HB238** and its intention to strengthen the input and oversight of quality within the Developmental Disability (DD) service delivery system by the Developmental Services Quality Council.

The Developmental Services Quality Council was seated within RSA 171-A in 2009 with passage of legislation to create a seated council to monitor quality within this system. At the time, New Hampshire was the ONLY state in the union to have a permanent council devoted to quality. I have been on the council since its inception, serving as its Chair for 7 years. The Council’s membership is comprised of all major stakeholder groups related to supporting people with disabilities. 51% of the membership must be individuals served or parents of those served. The Council is group of experts who are well versed in the delivery, substance, needs, and all other aspects of supports for those with disabilities.

The Quality Council in its capacity as an independent voice, meets monthly and monitors all aspects of the system that affect quality; administrative rules, legislation, Area Agency operations, waiver content, analysis of various data collected by the Bureau of Developmental Services (BDS), and most recently the work being proposed to fundamentally change our entire system’s approach to supporting this constituency. It regularly issues letters of concerns, analysis, and offers ideas around systemic improvement to BDS.

For all the work the Council does, its role to date has largely been advisory. For years now, the membership has seen the need for the it to have a greater role in the influence and decision-making activities whenever there are proposals to make major systemic changes. It is in the best position to consider those proposals and offer questions, concerns, possible unintended consequences to vet and avoid, etc. for consideration prior to final decisions being made that can adversely affect the people our state supports.

This legislation seeks to expand the Council’s ability and authority to influence decisions made by BDS and clarifies the responsibilities of BDS to respond to the Council’s concerns. It is troubling that the Council was not included or consulted prior to BDS embarking on plans to implement the majority of the current re-design project initiatives, and to date, many of the Council’s concerns and questions have not adequately been addressed or resolved. The Council needs all responses to its written inquiries, comments, suggestions, etc. be addressed in writing by BDS as well. It is the only way to foster clarity and keep track of the many, many issues the Council is concerned with throughout its years of work.

Another major concern this legislation seeks to remedy is removing barriers to participation by Council members. Notably, since COVID, it has become clear that some of the members with disabilities who are vulnerable, have transportation issues, and parents who cannot find and hire support staff in these times of workforce shortages benefitted greatly by having remote access to meetings. The safety of our members is primary and given the voices of members with disabilities and their families are the most crucial voices on the Council, forcing them to attend in person is not tenable nor reasonable. This bill seeks to ensure those who must attend remotely are still counted as “in attendance” for purposes of a quorum. The meetings allow members to see each other, hear each other, and have roll-call, votes. The meetings’ log in information is available to the public and meetings are recorded and available upon request. It serves the public good and meets transparency requirements to allow this Council to offer its members remote access to meetings as an option to fully participate. It is time to embrace technology so people with disabilities and their families are not excluded from working to craft their own futures.

Cathy Spinney
Pelham, NH
(603) 635-9014
Cspinney58@gmail.com



NEW HAMPSHIRE COUNCIL ON
DEVELOPMENTAL DISABILITIES

9

February 1, 2023

Representative MacDonald, Chair
Members of the House Health, Human Services, and Elderly Affairs Committee

RE: HB238- relative to the role of quality control and developmental disability service system

Dear Chair MacDonald and Members of the House Health, Human Services, and Elderly Affairs Committee,

Thank you for considering my testimony. My name is Isadora Rodriguez-Legendre, and I am the Executive Director of the New Hampshire Council on Developmental Disabilities (DD Council). I'm providing testimony on behalf of the DD Council membership, which believes this bill could have a positive impact on the disability community.

Our Council, by law is comprised of at least 60% people with developmental disabilities and parents or guardians of people with developmental disabilities, most who are volunteers advocating for disability justice.

The DD Council is a federally funded agency that is dedicated to dignity, full rights of citizenship, cultural diversity, equal opportunities, and full participation for all NH citizens with developmental disabilities. The DD Council carries out its mission through education, advocacy, and collaboration on initiatives, that encourage full integration and inclusion of individuals with developmental disabilities as required in the Developmental Disabilities Assistance and Bill of Rights Act (2000).

As a member of the Developmental Services Quality Council, NHCDD brings the voice and perspective of individuals and families impacted by disabilities to this important body. It is essential that people with disabilities and other stakeholders who are members of this Quality Council be included in the decisions that impact their services.

According to 171-A, the Developmental Services Quality Council "... shall regularly review information on the quality of developmental services in New Hampshire and make recommendations for improving service quality and the quality assurance and continuous improvement systems..." We believe that this should include seeking its input when "... evaluating or determining the need or desirability for any changes relating to, or which may impact, any of the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A..." including contracts related to these improvements.

Sincerely Yours,

Isadora Rodriguez-Legendre, MSW
Executive Director

William Walker

31 Milton Place
Hollis, NH 03049
walker.willie@gmail.com

②

February 15, 2023

New Hampshire House Health, Human Services and Elderly Affairs Committee
Legislative Office Building Room 205
33 N. State St.
Concord, NH 03301

Dear Committee Members:

My wife Kelly and I live in Hollis, NH, with our 23-year-old son with autism.

I am requesting your support for HB238: relative to the role of quality control and the developmental disability service system.

As parents of a child with a disability, my wife and I are active advocates, but we may not learn about things that impact us until it's too late. I take comfort in knowing that the Developmental Services Quality Council exists and has a broad representation of people with developmental disabilities. Furthermore, I rely upon them to be informed and represent us.

"Nothing about us without us" is a shorthand reference to the wording and spirit of New Hampshire state law, RSA 171-A. In particular, the first item of the "Purpose and Policy" section of RSA 171-A states *"Participation of people with developmental disabilities and their families in decisions concerning necessary, desirable, and appropriate services, recognizing that they are best able to determine their own needs."*

I believe we saw the "Nothing about us without us" portion of the state law not being followed early on in the Bureau of Developmental Services (BDS) system change activity. The new wording proposed by HB238 ensures that the Developmental Services Quality Council will be engaged starting at the initial stages of changes. This early engagement is critical for appropriate representation and participation by the people who will be directly impacted by those changes.

Please support HB238 to help ensure that any future changes result in success for our most vulnerable citizens.

Sincerely yours,

William Walker

HB 238 - AS INTRODUCED

2023 SESSION

23-0420

06/08

HOUSE BILL **238**

AN ACT relative to the role of quality control and the developmental disability service system.

SPONSORS: Rep. McMahon, Rock. 17; Rep. Schapiro, Ches. 16; Rep. M. Pearson, Rock. 34; Rep. Lynn, Rock. 17; Rep. Potucek, Rock. 13; Rep. Guthrie, Rock. 15; Rep. Edwards, Rock. 31; Rep. Popovici-Muller, Rock. 17; Rep. Kuttab, Rock. 17; Sen. Gannon, Dist 23; Sen. Birdsell, Dist 19

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires the department of health and human services to seek out and receive input from the developmental quality control council.

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 Twenty Three

AN ACT relative to the role of quality control and the developmental disability service system.

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

1 1 New Paragraph; Developmental Services Quality Council. Amend RSA 171-A:33 by inserting
2 after paragraph V the following new paragraph:

3 VI. When the department of health and human services is evaluating or determining the
4 need or desirability for any changes relating to, or which may impact, any of the practices, policies,
5 standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of
6 supports and services under RSA 171-A, including, but not limited to, the components listed in RSA
7 171-A:33, III, the department shall solicit input and recommendations from the council at the initial
8 stages of such consideration and at all stages thereafter and give due deference to the council's input
9 and recommendations on whether, or how, to make any such changes. The department shall receive
10 input from the council on provisions to be included in any request for proposal and contract and give
11 due deference to the council's input when finalizing a request for proposal or contract. The
12 department shall also request the council to select a council member to be part of the selection
13 process for the bidder and shall include a provision in the contract requiring the contractor selected
14 to solicit input from the council on any findings or recommendations the contractor is considering or
15 intending to make to the department or any other government entity.

16 2 Effective Date. This act shall take effect 60 days after its passage.