

STATE OF NEW HAMPSHIRE  
OFFICE OF LEGISLATIVE BUDGET ASSISTANT – AUDIT DIVISION

**PROPOSED SCOPE STATEMENT  
PERFORMANCE AUDIT OF MENTAL HEALTH WORKFORCE**

In November 2021, the Fiscal Committee approved a Legislative Performance Audit and Oversight Committee recommendation to conduct a performance audit of the licensing process and procedures of New Hampshire’s mental health workforce. We held an entrance conference with all but one of the Boards that licensed mental health professionals and the Office of Professional Licensure and Certification in April 2022.

**Background**

To become licensed as a mental health care provider, State laws and administrative rules outline requirements including minimum education, hours of practical training, and hours of face-to-face supervision in addition to requirements for passing an approved exam and demonstrating good character. Five Boards (Licensing for Alcohol and Other Drug Use Professionals, Mental Health Practice, Psychologists, Medicine, and Nursing) oversee licensure or certification for mental health professionals in New Hampshire. Table 1 shows the number of licenses issued by three of the five Boards at the end of State fiscal year 2021.

**Table 1**

**Table 1: Mental Health Licenses Issued,<sup>1,2</sup>  
As of June 30, 2021**

<b>Mental Health Profession<sup>3</sup></b>	<b>Count</b>
Certified Recovery Support Worker	274
Licensed Alcohol and Drug Counselor	159
Master Licensed Alcohol and Drug Counselor	387
Licensed Clinical Supervisor	34
Clinical Mental Health Counselor	1120
Clinical Social Worker	1353
School Social Worker	91
Marriage and Family Therapist	154
Pastoral Psychotherapist	15
Psychologist	597
School Psychologist	394
<b>Total</b>	<b>4,578</b>

Notes:

<sup>1</sup> Information for psychiatrists and psychiatric nurse practitioners were not available at the time of the scope statement.

<sup>2</sup> Does not include Licensed Social Worker and Licensed Social Work Associate, which were established in October 2021.

<sup>3</sup> Individuals may be licensed in more than one profession and may be doubled counted.

Source: Unaudited data from *OPLC Annual Report July 1, 2020 – June 30, 2021*.

- *Alcohol and Drug Counselors* are licensed by the Board of Licensing for Alcohol and Other Drug Use Professionals. These counselors specialize in addiction prevention, intervention, treatment, recovery support. Alcohol and drug counselors include Certified Recovery Support Workers (CRSW), Licensed Alcohol and Drug Counselors (LADC), Master Licensed Alcohol and Drug Counselors (MLADC), and Licensed Clinical Supervisors. LADCs cannot practice independently and must practice under a clinical supervisor approved by the Board. MLADCs can practice independently but are required to participate in either clinical supervision or peer collaboration.

CRSW applicants must have a high school diploma, while MLADCs must have a master's degree. An applicant for a LADC can have an associate's or bachelor's degree; however, required practical training hours is commensurate with level of their degree.

- *Clinical Mental Health Counselors* are licensed by the Board of Mental Health Practice. They use traditional therapy with a problem-solving approach to create a path for change. Applicants must have at least a master's degree, but those who do not yet meet the number of required practical training hours may apply for a conditional license if they have at least a master's degree, have a Board-approved supervisory agreement specifying their intent to become licensed, and met other requirements.
- *Social Workers* are licensed by the Board of Mental Health Practice. Social work focuses on assessing, diagnosing, treating, and preventing mental illness, emotional, and other behavioral disorders. Social workers include School Social Workers and Clinical Social Workers. They also include Licensed Social Work Associates and Licensed Social Workers which were established in October 2021. Licensed Social Work Associates may have an associate's or bachelor's degree and must complete practical training hours commensurate with the level of their degree. Licensed Social Workers must have a bachelor's degree, while both School Social Workers and Clinical Social Workers must have a master's degree.

Applicants for all social work professions who do not yet meet the required practical training hours may apply for a conditional license if they hold the respective degree required, have a Board-approved supervisory agreement specifying their intent to become licensed, and met other requirements.

- *Marriage And Family Therapists* are licensed by the Board of Mental Health Practice. They examine a family's pattern of behavior to develop a treatment plan that is brief and solution-focused, with specific, attainable therapeutic goals. Applicants for Marriage and Family Therapists must have at least a master's degree, but those who do not yet meet the number of required practical training hours may apply for a conditional license if have a master's degree, have a Board-approved supervisory agreement specifying their intent to become licensed, and met other requirements.
- *Pastoral Psychotherapists* are licensed by the Board of Mental Health Practice and have religious or theological training. They use spiritual resources and psychological principles to promote clients' healing and growth. Applicants must have a doctoral degree and meet other requirements.

- *Psychologists* are licensed by the Board of Psychologists and study cognitive, emotional, and social processes and behavior by observing and interpreting how individuals relate to one another and to their environments. Psychologists also include School Psychologists. School Psychologists are prohibited from practicing in non-education related settings unless they also hold another license. Psychologist applicants must have a doctoral degree; however, school psychologists can have a master’s degree.
- *Psychiatrists* are licensed by the Board of Medicine as physicians who are either board-certified or board-eligible for certification in psychiatry by the American Board of Psychiatry and Neurology. Psychiatrists can order diagnostic laboratory results, prescribe medications, provide psychotherapy, and provide care for psychiatric problems. Applicants for a physicians must have a medical degree.
- *Psychiatric Nurse Practitioners* are licensed by the Board of Nursing as Advanced Practice Registered Nurses (APRN) who are certified as psychiatric mental health nurse practitioners by a board-recognized certifying body. Applicants for licensure for an APRN license must have a graduate degree.

### **Practical Training And Supervision Requirements**

One category of requirements that can vary state-to-state are the hours of training and supervision needed before licensure. State laws require candidates complete specific hours of supervised practical training before applying for a license. Practical training can be paid or volunteer, performed under the supervision of a board-approved supervisor, and must be performed in certain settings. A specific number of hours must be conducted face-to-face with the supervisor.

Based on data from a 2017 national study conducted by the University of Michigan’s School of Public Health, Behavioral Health Workforce Research Center, NH requires more hours of practical training for psychologists and prevention specialists compared to other New England states. However, it requires a similar number or fewer hours than the majority of New England states for social workers, licensed professional counselors, marriage and family therapists, and licensed addiction counselors.

For face-to-face supervision, NH requires more hours than the majority of the other New England states for marriage and family therapists and prevention specialists. It appears to require a similar number or fewer hours of face-to-face supervision for psychologists, social workers, licensed professional counselors, and licensed addiction counselors than the other New England states.

Table 2 shows the amount of pre-licensure hours of practical training for the New England states and Table 3 shows the amount of face-to-face supervision time required. Professions where New Hampshire requires more hours than the comparison state are highlighted in the tables.

**Table 2**

**Pre-licensure Practical Training Requirements, In Hours<sup>1</sup>**

State	Psychologist	Social Worker <sup>2</sup>	Licensed Professional Counselor <sup>3</sup>	Marriage and Family Therapist	Licensed Addiction Counselor <sup>4</sup>	Prevention Specialist <sup>5</sup>
<b>New Hampshire</b>	3,000	3,000	3,000	3,000	6,000	4,000
<b>Connecticut</b>	1,800	3,000	3,000	1,000	6,000	2,000
<b>Massachusetts</b>	1,500	3,200	2,000	3,000	6,000	2,000
<b>Maine</b>	1,600	3,500	3,360	3,360	6,000	2,000
<b>Rhode Island</b>	1,500	3,000	2,000	2,000	No available comparison <sup>6</sup>	2,000
<b>Vermont</b>	2,000	3,000	3,000	3,000	No available comparison <sup>6</sup>	No available comparison <sup>6</sup>

Notes:

<sup>1</sup> Cells shaded in orange denote the state requires fewer hours of pre-licensure practical training than New Hampshire.

<sup>2</sup> Appears to be equivalent to NH's Licensed Clinical Social Worker.

<sup>3</sup> Appears to be equivalent to NH's Licensed Mental Health Counselor.

<sup>4</sup> Appears to be equivalent to NH's Licensed Alcohol and Drug Counselor.

<sup>5</sup> Appears to be equivalent to NH's Certified Recovery Support Worker.

<sup>6</sup> Does not appear to be recognized as a separate profession in these states.

Source: Summary of practical training requirements as reported in the University of Michigan's 2017 report, *National Assessment of Scopes of Practice for the Behavioral Health Workforce*.

**Table 3****Pre-licensure Face-To-Face Supervised Experience Requirements, In Hours<sup>1</sup>**

State	Psychologist	Social Worker <sup>2</sup>	Licensed Professional Counselor <sup>3</sup>	Marriage and Family Therapist	Licensed Addiction Counselor <sup>4</sup>	Prevention Specialist <sup>5</sup>
New Hampshire	50	100	100	200	300	240
Connecticut	135	100	100	100	300	120
Massachusetts	100	120	67	200	300	120
Maine	100	100	130	200	300	120
Rhode Island	50	100	100	100	No available comparison <sup>6</sup>	120
Vermont	None identified	100	100	100	No available comparison <sup>6</sup>	No available comparison <sup>6</sup>

## Notes:

<sup>1</sup> Cells shaded in orange denote the state requires fewer hours of pre-licensure supervised experience than New Hampshire.

<sup>2</sup> Appears to be equivalent to NH's Licensed Clinical Social Worker.

<sup>3</sup> Appears to be equivalent to NH's Licensed Mental Health Counselor.

<sup>4</sup> Appears to be equivalent to NH's Licensed Alcohol and Drug Counselor.

<sup>5</sup> Appears to be equivalent to NH's Certified Recovery Support Worker.

<sup>6</sup> Does not appear to be recognized as a separate profession in these states.

Source: Summary of face-to-face supervised experience requirements as reported in the University of Michigan's 2017 report, *National Assessment of Scopes of Practice for the Behavioral Health Workforce*.

## Audit Scope

This performance audit will focus on the following question: *Are there substantial barriers to entry into the mental health field imposed by State licensing boards?*

Specifically, we will:

- compare New Hampshire's licensing requirements to other states and national credentialing organizations, where appropriate; and
- evaluate New Hampshire's licensing process to identify other barriers for entry into the mental health field.

To address these objectives, we plan to:

- review relevant State laws, rules, policies, and procedures to identify licensing requirements;
- contact OPLC staff, members of the boards that oversee licensing of mental health professionals,
- and external stakeholders;
- review audits, evaluations, and guidance from other states and national organizations; and
- review licensing requirements in some other states.

We will devote more attention to professions where New Hampshire's requirements appear to be more stringent than those adopted by other states.

Our audit period will be SFY 2022; however, we may examine licensing requirements, management controls, and other relevant matters outside the audit period when they affect board operations during and after the audit period.

STATE OF NEW HAMPSHIRE  
OFFICE OF LEGISLATIVE BUDGET ASSISTANT – AUDIT DIVISION

PROPOSED SCOPE STATEMENT  
PERFORMANCE AUDITS OF SPECIAL EDUCATION TOPICS

Federal law requires a free appropriate public education (FAPE) for students with disabilities in states that choose to participate in, and receive, federal special education funding. New Hampshire law (RSA 186-C) requires all children be provided equal educational opportunity. All children with disabilities must have FAPE available to them, which is provided in the least restrictive environment. FAPE emphasizes special education and related services be designed to meet students’ unique needs and prepare them for further education, future employment, and independent living.

According to latest New Hampshire Department of Education (DOE) census data available online, there were 30,309 children and youth with disabilities aged three to 20 years of age counted in New Hampshire in October 2021. Table 1 shows the frequency of children and youth designated with each disability and the percentage of total disabilities in October 2021.

**Table 1**

**Frequency Of Disability For Children And Youth,  
October 2021**

<b>Disability</b>	<b>Count</b>	<b>Percent of Total</b>
Specific Learning Disabilities	9,767	32.2
Other Health Impairments	5,614	18.5
Developmental Delay	4,528	14.9
Speech Or Language Impairments	3,620	11.9
Autism	3,231	10.7
Emotional Disturbance	1,892	6.2
Intellectual Disability	835	2.8
Multiple Disabilities	388	1.3
Hearing Impairment	183	0.6
Visual Impairments	105	0.4
Traumatic Brain Injury	87	0.3
Orthopedic Impairments	48	0.2
Deaf-Blindness	11	0.0
<b>Total</b>	<b>30,309</b>	<b>100.0</b>

Source: LBA analysis of unaudited DOE data.

### **Bureau of Special Education Support**

The DOE’s Bureau of Special Education Support (Bureau) within the Division of Learner Support is statutorily charged with providing oversight and implementation of federal and State laws that ensure FAPE for all children and youth with disabilities in New Hampshire. Specifically, the Division of Learner Support is charged with:

- helping school districts meet their statutory responsibilities regarding the education of children with disabilities;

- developing and analyzing information on issues and problems of regional and statewide importance and assist school districts in managing those issues;
- collecting, organizing, and analyzing data and information about programs, conditions, instruction, and trends in special education in the State; and
- monitoring and maintaining information about national and regional trends, instruction and issues affecting special education, and making the information available to districts.

The mission of the Bureau is to improve educational outcomes for children and youth with disabilities by providing and promoting leadership, technical assistance, and collaboration statewide. The Bureau is organized into three offices: 1) Finance and Data Management, 2) Special Education Training and Monitoring, and 3) Special Programs.

### ***The Office Of Finance And Data Management***

The Office of Finance and Data Management supports the federal grants received by the Bureau, State special education aid, court ordered placement payments, as well as the New Hampshire Special Education Information System (NHSEIS). The Office of Finance and Data Management is responsible for all data within the Bureau and for the creation and submission of the *State Performance Plan* and *Annual Performance Report* to the U.S. Department of Education, Office of Special Education Programs.

### ***The Office Of Special Education Training And Monitoring***

The Office of Special Education Training and Monitoring provides specific trainings to the fields related to special education, such as physical or occupational therapies, and oversees school district monitoring and the district determination process. The Office of Special Education Training and Monitoring works closely with districts to ensure compliance with the Federal Reporting Indicators related to the provision of services for students with disabilities. All program approvals for public schools, private academies, and private providers of special education are processed through the Office of Special Education Training and Monitoring.

### ***The Office Of Special Programs***

The Office of Special Programs encompasses the various special education programs the Bureau supports to improve outcomes for students with disabilities. These programs include Universal Design for Learning, Educational Surrogate Parents, Individual Education Program (IEP) Facilitation, and Accessibility. Accessibility includes work around visual impairments, deaf and hard of hearing, and assistive technology. The Office of Special Programs also supports the work conducted for the *State Professional Development Grant* and the *State Systemic Improvement Plan*.

## **Potential Special Education Performance Audit Topics**

Below are two topics (A and B) covering major functions of the State's special education responsibilities that could be audited individually. An audit of dispute resolution processes (A)



was the original topic discussed by the Legislative Performance Audit and Oversight Committee. Topic B would focus on the Bureau's oversight of special education.

## **A. Dispute Resolution Processes**

As part of the provision of FAPE, the DOE is federally required to establish and maintain procedures to ensure children with disabilities are guaranteed procedural safeguards. Required procedures include complaints, mediation, and due process hearings. DOE statute additionally provides for a neutral conference as an alternative dispute resolution process. The DOE also supports local school districts with informal alternative dispute resolutions processes including facilitated IEP meetings and third-party moderated discussions.

### ***Special Education Complaint***

The special education complaint process, also referred to as a "state complaint" in federal regulations, is available to individuals or organizations if it is believed that the school district violated federal or State special education laws. The reported violation must have occurred within one year prior to the complaint being filed. Special education complaints must be sent to the State Special Education Director or superintendent of the child's school district in addition to the DOE's Special Education Complaint Office. If the DOE determines the complaint meets regulatory requirements, it will notify the parents of the child and the school district. The DOE will assign an independent investigator to gather information surrounding the allegation.

Complaints are to be investigated and resolved within 60 days unless there are exceptional circumstances, or the school district and other party agree in writing to extend the time limit to engage in other dispute resolution proceedings. The DOE Commissioner reviews the investigator's report, makes a written decision on whether or not allegations are substantiated, and if applicable, includes corrective action and a timeframe for the school district to address violations. Either party may appeal the decision to the DOE Commissioner for reconsideration within 20 days. If either party is still dissatisfied with the final written decision, appeals may be made to the New Hampshire Supreme Court or a New Hampshire Superior Court.

### ***Facilitated IEP Meeting***

The facilitated IEP meeting occurs when a school district and parent or guardian agrees to have a facilitator attend the meeting. Upon request, the DOE provides a trained facilitator for an IEP meeting that has been scheduled and arranged by the school district. The request for a facilitator must be made ten days prior to the scheduled meeting date. The facilitator conducts the meeting, and provides guidance to the discussion ensuring the meeting progresses to reach an agreement but does not provide input on the matter.

### ***Third Party Moderated Discussion***

The third party moderated discussion is an informal, confidential, and non-adversarial discussion between the school district and parents led by a moderator. The moderator's role is to listen to each party's perspective, offer resolution options to consider, provide insight on how a hearing officer would view the matter, and offer their opinion as to whether the resolution a party considers is

permitted under regulations. If both parties agree to a third party moderated discussion, the school district makes a request to the DOE and completes required forms on behalf of the parties. Both parties select two or three days which are mutually convenient to meet, state what the issues are to be discussed, each party's preferred outcome, and whether or not each party will attend with an attorney or advocate. The DOE provides a scheduling notice within five days of receiving the request. The parties can reach an agreement by speaking informally to each other at any time, and can contact the moderator to cancel scheduled discussion. However, if the third party moderated discussion occurs, and results in an agreement, the moderator can assist the parties with written agreements. Agreements are not enforced by the DOE but are legally binding and enforceable in a court of competent jurisdiction.

### ***Neutral Conference***

The neutral conference consists of an informal, abbreviated presentation of the case facts and issues by the parties to a neutral party who is responsible for reviewing the strengths and weakness of the case and issuing a recommendation. The parties agree to the selection of the neutral party. Each party submits all documents relevant to their case to their agreed-upon neutral party and the parties are prohibited from communicating with the neutral party. At the neutral conference, the parties must be present and must have the authority to authorize settlement. At the conclusion of the conference, the neutral party must issue an oral opinion to the parties, containing a suggested settlement or disposition and the reasons for their decision. If the parties agree, the conclusions are incorporated into a written binding agreement and signed by each party. If the parties do not agree, the neutral party documents only the date and the participants in the conference and advise the DOE that the conference had taken place.

### ***Mediation***

Mediation attempts to resolve conflicts between parents and a school district with the assistance of a mediator who facilitates communication, defines the issues, and explores alternatives while remaining neutral. In mediation, either party may be accompanied and advised by individuals with special knowledge or training with respect to the needs of children with disabilities. A mediation request must be made in writing to the DOE Commissioner and must specify the issue or issues and the relief sought. A mediation conference is then held no more than 30 calendar days following receipt of the written request to the Commissioner. The mediation conference will determine the issues, explore options, and attempt mediation within the limits of State law. If the mediation results in agreement, the conclusions are incorporated into a written binding agreement signed by each party. If mediation does not result in an agreement between the parties, the mediator must document the date and participants in the meeting but must not make any other record of the mediation.

### ***Administrative Due Process Hearing***

Statute also provides a more formal resolution process, the administrative due process hearing. The due process hearing is used when any action against a local school district seeks to enforce substantive and procedural special education rights under State or federal law. If a due process complaint and request for a hearing meet certain criteria, an expedited due process hearing may occur. A request for a due process hearing is directed to the DOE where hearings officers appointed

by the DOE provide an impartial appeals process. Requests for a due process hearing must be made within two years of the date of the violation occurrence or when the violation should have been reasonably discovered. Notwithstanding the two-year limit discussed above, any action against a local school district to recover costs of a unilateral special education placement must be commenced by requesting a due process hearing from the DOE within 90 days of the unilateral placement. According to State law, an appeal from a final due process hearing decision may be made to a court of competent jurisdiction within 120 days from receipt of the final decision.

In November 2021, a legislative committee studying dispute resolution options, with the support of the DOE's State Advisory Committee, proposed a performance audit reviewing dispute resolution processes and regulations. The committees had specific concerns regarding the transparency, complexity, and effectiveness of dispute resolution processes. A performance audit of DOE's dispute resolution processes has never been completed. A performance audit could look at the efficiency and effectiveness of DOE's dispute resolution processes and would include how these dispute resolution processes are paid for.

## **B. Bureau Responsibilities**

### ***Special Education Aid Costs (Office of Finance and Data Management)***

The State has little control over local special education expenditures. School districts are obligated to follow regulations issued by the federal and state governments, including appropriate services for each student with an educational disability, which are formally incorporated into a student's IEP. These IEP-required services drive costs which are paid by the school district. In New Hampshire, local school districts fund most school costs, including special education, through property taxes. The DOE distributes special education aid, formerly known as catastrophic aid, through reimbursements to school districts based on the estimated State average expenditure per student, which is \$19,034 in State fiscal year (SFY) 2022. The State is responsible for 80 percent of special education costs for a student when the cost exceeds three and a half times the estimated State average expenditure per student, and is responsible for all costs when it exceeds ten times the State average expenditure per student. Special education aid appropriations for SFY 2022 and SFY 2023 are \$33.2 and \$33.9 million, respectively. At the end of each SFY, any unspent special aid appropriations are transferred to special education funds for court ordered placements.

The last performance audit in the area was our Special Education Catastrophic Aid program issued in July 1999.

### ***Data Collection And Analysis (Office of Finance and Data Management)***

Statute required the DOE to collect, organize, and analyze data and information about programs, conditions, instruction, and trends in special education in the State. The computer-based special education database and retrieval system called NHSEIS maintains personally identifiable data for program development, monitoring, compliance, and reporting to the State Board of Education, the New Hampshire Legislature, and the U.S. Department of Education. A performance audit of this issue has never been done.

## *Assisting School Districts To Meet Their Special Education Responsibilities*

Statute required the DOE, through its Division of Learner Support, to help school districts meet their responsibilities regarding the education of children with disabilities, develop and analyze information on issues and problems of a regional and statewide importance and assist school districts in managing these issues, and monitor and maintain information about national and regional trends. It is not readily apparent from its website how the Division of Learner Support or the Bureau accomplishes these responsibilities. A performance audit of this issue has never been done.

### **Potential Audit Scopes**

The Legislative Performance Audit and Oversight Committee has expressed interest in special education as an audit topic during the past few meetings. In fact, the Committee has demonstrated a desire to audit a number of aspects of special education. Overall, the fundamental question is: **Has the DOE been efficiently and effectively overseeing the provision of special education throughout the State?** Based on availability of audit staff and the broad scope of work, we suggest dividing the topic into two audits -- one strictly focused on DOE compliance with dispute resolution processes requirements, and the second audit focusing on the DOE's performance in:

- providing support to school districts and special educate professionals,
- disseminating information,
- collecting data,
- monitoring the amount of special educational services,
- assessing the quality of services, and
- monitoring the costs of providing services.

To address these objectives, we plan to:

- review relevant State and federal laws; administrative rules; and departmental policies, procedures, and guidance;
- review materials from a recent legislative study committee;
- interview DOE personnel and contact external stakeholders;
- review special education audits and evaluations of DOE and other states;
- review special education data and their related controls; and
- review similar practices in peer states.

We will need to do more work to decide what the audit periods should be for the two audits.

Note to LPAOC members: This pre-scope document has not undergone the level of review provided to our audit reports and is primarily based on information available from online sources.

**STATE OF NEW HAMPSHIRE  
OFFICE OF LEGISLATIVE BUDGET ASSISTANT – AUDIT DIVISION**

**PROPOSED SCOPE STATEMENT  
PERFORMANCE AUDIT OF WEATHERIZATION ASSISTANCE PROGRAM**

In March 2022, the Fiscal Committee of the General Court approved a joint Legislative Performance Audit and Oversight Committee (LPAOC) recommendation to conduct a performance audit of the Weatherization Assistance Program (WAP) administered by the New Hampshire Department of Energy (Department). We held an entrance conference with the Department on April 8, 2022.

**Background**

The primary goal of the WAP is to serve low-income households most vulnerable to high-energy costs and who do not have the means of making cost-effective energy conservation improvements to their homes. The WAP reduces heating and cooling costs for low-income families, particularly for the elderly, people with disabilities, and children, by improving the energy efficiency of their homes while ensuring their health and safety. The WAP is funded with grants from the US Department of Energy and subcontracts with New Hampshire’s community action agencies (CAA), which are responsible for operating and delivering weatherization services at the local level. Application to the WAP is made by residents to their local CAA. The WAP does not include the Fuel Assistance Program, which is also overseen by the Department and implemented by the CAAs, nor does it include residential energy efficiency programs managed by public utilities, such as NHSaves. However, the Department, whenever possible, collaborates with the electric and natural gas utilities’ energy efficiency programs to enhance the weatherization services provided to low-income households. According to the Department’s State fiscal year (SFY) 2021 budget, the WAP planned to serve 250 households at a cost of \$1.667 million.

**Organization And Staffing**

Since July 1, 2021, the New Hampshire Department of Energy has been responsible for the WAP. Prior to this date, the program had been operated by the Governor’s Office of Strategic Initiatives. The Department, overseen by a Commissioner, operates the WAP through its Division of Policy and Programs, in addition to other programs including the Fuel Assistance Program. The WAP consists primarily of a full-time program manager, with support coming from other positions within the Department.

**Eligibility And Service Delivery**

Eligibility and benefits for the WAP are determined by gross household income (total before taxes), number of household members, and vulnerability to heating costs. The maximum gross household income by number of people in the household is currently established at or below 60 percent of the state median income. Homeowners and renters, including renters whose heat is included in their rent, are eligible. Once an applicant is determined income eligible, the application is placed on a waiting list. An energy auditor will contact the applicant to schedule a time to perform a comprehensive home energy audit. The audit includes diagnostic testing, performed by an energy auditor, and will help determine if the building qualifies for weatherization. If the building is determined to be qualified, the energy auditor will then develop an energy audit report

that will identify all cost-effective energy saving improvements. From this list, qualified improvements will be installed based on order of highest savings. Typical high priority measures include air sealing and/or insulation of basements and crawl spaces, attic air sealing, installing attic insulation, and installing wall insulation (where none exists).

### **Oversight And Program Integrity**

Oversight can be defined as the activities necessary to review and monitor subordinate organizations to ensure expected results are achieved, value for money is obtained, and compliance with all laws, regulations, and policies. Because the WAP does not offer services directly to clients, it relies on CAAs to provide services through their own in-house workers and subcontractors. Thus, the role of WAP is to apply for and administer grants, obtain and distribute funding, and oversight of the program. As part of its oversight obligations, it files activity reports with the U.S. Department of Energy, supports federal audits, monitors weatherization activities of the CAAs, and formally reviews those activities on a periodic basis.

### **Audit Scope**

We will design the audit to answer the following question: **Did the WAP efficiently and effectively monitor the provision of weatherization services by CAAs during SFYs 2019-2022?**

To address this question, we plan to:

- review relevant State and federal laws, rules, orders, policies, procedures, reports, plans, studies, audits, guidelines, and similar materials;
- review relevant studies, plans, audits, and related materials from academia, interest groups, and other states;
- interview Department officials and staff with relevant responsibilities;
- obtain perspectives from external stakeholders, including the CAAs; and
- obtain, review, and analyze relevant WAP information, files, records and data maintained by the program and the CAAs.

We will examine relevant matters outside the audit period when they bear on Department operations during and after the audit period, and we will examine management control systems when they affect Department operations. We do not plan to audit the Fuel Assistance Program, or energy efficiency programs operated by utilities.

We expect to report the results of this audit to the Fiscal Committee of the General Court in late 2022.

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE MINUTES

February 23, 2022

The Legislative Performance Audit and Oversight Committee met on Wednesday, February 23, 2022 at 12:00 PM in the LOB Rooms 210-211.

Members in attendance were as follows:

Rep. Keith Erf  
Rep. Ken Weyler  
Rep. Karen Umberger  
Rep. Mary Jane Wallner  
Sen. John Reagan, Vice Chair  
Sen. Erin Hennessey  
Sen. Lou D'Allesandro  
Sen. Bob Giuda  
Sen. Jay Kahn

The meeting was called to order by Senator Reagan at 12:00 PM.

VOTE ON ACCEPTANCE OF THE NOVEMBER 10, 2021 MEETING MINUTES:

On a motion by Senator Hennessey, seconded by Representative Weyler, that the minutes of the November 10, 2021 meeting be accepted.

MOTION ADOPTED.

STATUS OF ONGOING PERFORMANCE AUDITS:

Stephen Smith, Director of Audits, provided the Committee with brief updates of ongoing performance audits. The Child Care Licensing Unit is complete and was presented to Fiscal on February 18, 2022. The LBA is awaiting responses on some observations from the Board of Dental and is working with them to help them respond appropriately. This report will be lengthy, as there are over thirty observations. We are hoping to tie up this Spring and present to Fiscal. We are currently scoping and beginning the planning of the Mental Health audit. A scope statement will be brought to the Committee for approval at the next meeting. The NH Retirement report has been drafted and in the process of review. A letter will be sent to Mike Kane within the next month and subsequently to the Fiscal Committee.

IDENTIFY NEW TOPICS AND PRIORITIZE AUDIT WORK:

John Clinch, Senior Audit Manager, gave the Committee an overview of the efficiency and effectiveness of the special education dispute resolution process (RSA 186-C). The Committee expressed their concerns and agreed this topic is a serious problem and would like LBA to reach a conclusion. Mr. Clinch summarized the Committees concerns: there's an interest in dispute resolution, which can be done fairly quickly, as a stand-alone audit. The other part would be more of a general special education audit that looks at cost, how IEPs are

formed, and the support the Department of Education provides to local school districts. This would be more of a broader spectrum and would take more time.

Stephen Smith recommended starting the dispute resolution process first, to help the Committee begin getting answers to their concerns. As we gain a better understanding and get more information, we can ask the Committee for the topic to be expanded. The other option would be to finish this portion and move on to the other area of concern. A scope statement will be brought to the Committee, and can be expanded, if necessary.

Senator Reagan requested a scope statement be brought back to the Committee prior to a Fiscal Committee meeting.

TABLED AUDIT TOPICS THAT HAVE NOT BEEN APPROVED, AWAITING FURTHER LPAOC ACTION:

Stephen Smith informed the Committee of two audit topics that were tabled: the Weatherization Program; and the Fixed-Wing Aircraft Program.

The Committee discussed and voted to eliminate the Fixed-Wing Aircraft Program as a potential topic.

On a motion by Senator Hennessey, seconded by Representative Umberger.

MOTION ADOPTED.

The Committee briefly discussed and decided the Weatherization Program should be audited.

On a motion by Representative Umberger, seconded by Senator Giuda.

MOTION ADOPTED.

OTHER BUSINESS:

Mr. Smith informed the Committee that a letter for the Weatherization topic will be drafted for the next Fiscal meeting.

DATE OF NEXT MEETING AND ADJOURNMENT:

Next meeting will be at the call of the Vice Chair. Senator Reagan adjourned the meeting at 12:48.

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Sen. John Reagan, Vice Chair