

February 14, 2019
No. 11A

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



First Year of the 166th Session of the
New Hampshire General Court

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, FEBRUARY 21, 2019 AT 10:00 A.M.**

REGULAR CALENDAR REPORTS

FINANCE

SB 11-FN-A, relative to mental health services and making appropriations therefor.
Ought to Pass with Amendment, Vote 6-0.
Senator D'Allesandro for the committee.

AMENDMENTS

Senate Finance
February 19, 2019
2019-0572s
04/05

Amendment to SB 11-FN-A

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

1 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds. The sum of \$607,509 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of increasing diagnosis-related group (DRG) rates for designated receiving facilities (DRF) beds. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The commissioner shall submit a report on proposed DRG rates for the purpose of establishing additional community-based DRF beds to the president of the senate, the speaker of the house of representatives, and the governor no later than November 1, 2019. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court.

2 Department of Health and Human Services; Voluntary Inpatient Psychiatric Admissions; Rates. The sum of \$500,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of establishing an atypical rate for voluntary inpatient psychiatric admissions. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The commissioner shall submit a report on proposed atypical voluntary inpatient psychiatric admission rates for the purpose of establishing additional community-based voluntary inpatient psychiatric bed capacity to the president of the senate, the speaker of the house of representatives, and the governor no later than November 1, 2019. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any matching federal funds without prior approval of the fiscal committee of the general court.

3 Department of Health and Human Services; Designated Receiving Facilities; Residential Beds; Hospital Renovations.

I. The sum of \$4,400,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of renovating existing hospital facilities for up to 3 new or expanded designated receiving facilities (DRF), as set forth in RSA 135-C:26, of no fewer than 8 beds per new DRF. In no event shall the total number of beds funded under this section exceed 30. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of health and human services shall allocate and disburse such funds through a request for applications (RFA) and shall prioritize the use of the funds to areas within the state of New Hampshire that are underserved for inpatient psychiatric treatment. Any hospital receiving such funding shall operate the new or expanded DRF beds for no less than 5 years. The RFA shall be issued no later than December 1, 2019 and the new or expanded DRF beds shall be operational by January 1, 2020.

4 New Section; Residential Care and Health Facility Licensure; Compliance With Involuntary Admission Hearing Requirement. Amend RSA 151 by inserting after section 2-g the following new section:

151:2-h Compliance With Involuntary Admission Hearing Requirement. No later than 30 days following the first decision on the merits in *Doe v. NH Department of Health and Human Services*, et al. #1:18-CV-01039, or a court-approved agreement of all parties in the case, the commissioner of the department of health and human services shall initiate emergency rulemaking consistent with either the first decision on the merits or the court-approved agreement. The commissioner shall adopt such rules within 90 days of initiating rulemaking.

5 Appropriation; Department of Health and Human Services. The sum of \$2,100,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purpose of contracting with programs that enable individuals with serious mental illness to attain and maintain integrated, affordable, supported housing. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 New Section; Coverage for Emergency Services. Amend RSA 417-F by inserting after section 3 the following new section:

417-F:4 Reimbursement for Emergency Room Boarding. Following the completion of an involuntary admission certificate for a patient, the insurer shall pay the acute care hospital a per diem day rate required to board and care for the patient, to be contracted between the insurer and acute care hospital, for each day the insured is waiting in an acute care medical hospital located in the state for admission for psychiatric treatment at New Hampshire Hospital, a community-based designated receiving facility, or a voluntary admission. The day rate required to board and care for the patient may be billed for up to 21 consecutive days or discharge, whichever is sooner, and shall be renewed as needed for patient protection. The rate is deemed to cover all costs incurred by a hospital for the boarding and non-medical care of the insured and shall not be billed to the insured. This does not preclude a hospital from billing for other medically necessary services. Any qualified mental health worker employed by or contracted with the hospital, community mental health care center, or affiliate providing mental health services and supports to an insured in an emergency department in the hospital service areas while they are waiting for an inpatient or other psychiatric admission shall be reimbursed for those mental health services including diagnostic services by the insurer at the negotiated rate. No prior authorization shall be required by any insurer for mental health services deemed medically necessary provided in this setting under this section. This section shall apply to the Medicaid managed care organizations subject to contract and rate agreements between the state of New Hampshire and the managed care organizations. The reimbursement for emergency room board and care shall be incorporated into the capitated rate for managed care services.

7 Fourth Mobile Crisis Team or Second Behavioral Health Crisis Treatment Center; Appropriation.

I. The commissioner of the department of health and human services shall solicit requests for proposals within 60 days of the effective date of this section for either a fourth mobile crisis team and apartments from qualified vendors or a second behavioral health crisis treatment center. The RFP shall prioritize services for underserved areas of New Hampshire and services for minors.

II. The sum of \$3,000,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019 for the purposes of paragraph I. Said sum shall be a charge against any general fund surplus for the fiscal year ending June 30, 2019, and shall not lapse until June 30, 2021. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 2019.

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

2019-0572s

AMENDED ANALYSIS

This bill:

I. Authorizes the department of health and human services to use general surplus funds for designated receiving facilities and for voluntary inpatient psychiatric admissions.

II. Makes an appropriation to the department of health and human services for the purpose of renovating certain existing facilities.

III. Provides for rulemaking for involuntary admission hearing requirements.

IV. Requires insurers to reimburse certain facilities for emergency room boarding.

HEARINGS

THURSDAY, FEBRUARY 21, 2019

EDUCATION AND WORKFORCE DEVELOPMENT, Room 103, LOB

Sen. Kahn (C), Sen. Dietsch (VC), Sen. Morgan, Sen. Ward, Sen. Starr

NOTE: The Committee will meet at 1:00 p.m. or 30 minutes following the end of Session.

1:00 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

ENERGY AND NATURAL RESOURCES, Room 103, SH

Sen. Fuller Clark (C), Sen. Feltes (VC), Sen. Watters, Sen. Bradley, Sen. Giuda

NOTE: The Committee will meet at 1:00 p.m. or 30 minutes following the end of Session.

1:00 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

JUDICIARY, Room 100, SH

Sen. Hennessey (C), Sen. Chandley (VC), Sen. Levesque, Sen. Carson, Sen. French

NOTE: The Committee will meet at 1:00 p.m. or 30 minutes following the end of Session.

1:00 p.m.

EXECUTIVE SESSION ON PENDING LEGISLATION