

Senate Health and Human Services Committee

Kyle Baker 271-2609

SB 146-FN, requiring the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission.

Hearing Date: January 31, 2017

Time Opened: 2:20 p.m.

Time Closed: 3:15 p.m.

Members of the Committee Present: Senators Bradley, Avard, Gray and Hennessey

Members of the Committee Absent : Senator Fuller Clark

Bill Analysis: This bill requires the commissioner of the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission.

This bill is a result of the committee established in 2016, 101.

Sponsors:

Sen. Watters

Sen. Carson

Sen. Fuller Clark

Sen. Hennessey

Sen. Woodburn

Rep. Fothergill

Rep. Snow

Rep. M. MacKay

Who supports the bill: Senator Sharon Carson, SD# 14; Rep. Mary Freitas; Senator Jeff Woodburn, SD# 1; Valerie Acres, NH Psychiatric Society; Ken Norton, NAMI; Suellen Griffin, Community Behavioral Health; Pete Blegler, WCBH; Susan Stearns; Laurie Foster; Barbara Brunelle; Teresa Moler; Cynthia Varney; Ellen Tavino; Catherine Horgan ECBH; David Goldstein, Franklin PD; Susan Paschell, NH Community Behavioral Health Association; Rep. Ken Snow; Ronald White; NH Association of Counties; Dr. Alexander de Nesnera, NH Hospital, DHHS; Holly Stevens, New Futures

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented in support:

Senator Watters – Senate District 4

- Was asked by the NH Behavioral Community Health Centers Association to sponsor this.
- Based on the SB 427 Study Committee
- Currently County Sheriffs do the transport between Hospital Emergency rooms and NH Hospital. The procedures require the use of restraints such as handcuffs.
- The added trauma for patients being transported in restraints for further mental health treatment is damaging and as a state we can do better
- This bill would continue changing the paradigm of treating mental disease as an illness rather than a criminal act.
- This act would have DHHS develop a centralized system for the transporting of patients to NH Hospital from Emergency rooms across the state.

Ken Norton – NAMI

- These are clear recommendations from a study committee which had many witnesses and a ton testimony.
- Over the last 100 years we have constantly be updating mental health treatment protocols as we learn more about the diseases.
- Restrains used are primarily handcuffs and other law enforcement restraints
- This is not saying anything bad about law enforcement, we understand the need to keep everyone safe and we do believe that officers are acting with high amount of care and compassion.
- Many of the patients being transported to NH Hospital have been there before and they are known by both the Emergency room staff and the staff at NH Hospital.
- The balance needs to be maintained between safety of those doing the transporting and patient health.
- NH Hospital already has a transportation program in place that could be expanded on.
- Cost shifting from counties to state.

Senator Avard – How does the decision get made on when the police are needed?

Norton – This bill deals with the transport from an emergency room to the NH Hospital. Patients are currently waiting days to get placed in an inpatient program and during this time the mental health practitioners get to know the patients. They would be best suited to make the decision on whether or not a patient needs to be transported by sheriffs or that they are stable enough to be transported by this new system.

Dr. Alexander de Nesnera – Chief Medical Officer at NH Hospital

- It makes sense to revise this system to allow patients to be treated better when

they are already suffering.

- There will always need to be some percentage of patients to be transported by sheriffs. That would be somewhere around 20% of patients.
- There will be some cost to this but the costs from the counties would be shifted to the state.

Senator Bradley – Is this funding included in the budget request from DHHS
de Nesnera – No this would be an addition

Ron White – NH Association of Counties

- Support as written
- The only thing we would like to make known that if the transport is conducted by the sheriff's department, the sheriffs will continue to follow their protocols and procedures.

Senator Avard – What is the significant difference in the transports?

White – It would depend on the organization doing the transport. If the NH Hospital is doing the transport then they will be developing the program.

Senator Hennessey – How will the decision be made on whether or not law enforcement is needed for the transport?

White – It would most likely be based the circumstances surrounding the psychiatric emergency. Whether or not there is a crime involved or whether or not the patient is stable to be transported by other means.

Senator Bradley – What are the costs to the counties for these transports?

White – We did a small study on the costs in Merrimack County but no aggregate costs on counties at this time.

Senator Bradley – If this bill goes to the finance committee that data would be very useful.

Sue Ellen Griffin – NH Community Behavioral Health

- In support
- This legislation would reduce the stigma of mental illness and reduce the trauma on these patients.
- Read and submitted a letter from an individual who had suffered an increase in trauma after being transported to NH Hospital in handcuffs.
- Mental Health diseases can be just as deadly as any physical illness.
- Mentally ill individuals should be transported to the hospital in the same way as people are transported for any other illness.

Barbara Brunelle – Resident of Bedford NH

- Mother of a son with mental illness
- Son was transported in shackles to the hospital and it was a huge shock to the family and to her son.
- The time spent in the Emergency room waiting for treatment has gotten very long and after up to 10 days of waiting patients are met with handcuffs and a police car for transport.

Cynthia Varney – New Boston Resident

- Mother of Son with mental illness
- Patient was escorted in a white jumpsuit with handcuffs and shackles.
- There needs to be a better way to transport residents of our state.

Chief David Goldstein – NH Police Chiefs Association

- This bill is dealing with a patient being transported from a hospital ED to NH Hospital. There is another situation where the officer first makes contact with a patient to bring them to the ER in the first place.
- Here to answer any questions.

Senator Bradley – Why would a patient need to be transported in restraints?

Goldstein – It becomes an officer safety issue. We do not necessarily know what we are dealing with.

Senator Avar – When does one determine when to use the police versus another means of transport?

Goldstein – In my experience the police are usually the first called in an out of hospital situation. Law enforcement has continued to increase the training for officers

Teresa Moler – Resident of Nashua NH

- Is a patient suffering with Schizophrenia who has been committed to NH Hospital in the past
- Was transported in restraints in a sheriffs van and it was a very traumatizing experience.

Summary of testimony presented in opposition:

Neutral Information Presented:

Future Action: Ought to Pass

KRB

Date Hearing Report completed: February 1, 2017