

SB 146-FN - AS INTRODUCED

2017 SESSION

17-0514

01/04

SENATE BILL

146-FN

AN ACT requiring the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission.

SPONSORS: Sen. Watters, Dist 4; Sen. Carson, Dist 14; Sen. Fuller Clark, Dist 21; Sen. Hennessey, Dist 5; Sen. Woodburn, Dist 1; Rep. Fothergill, Coos 1; Rep. Snow, Hills. 42; Rep. M. MacKay, Hills. 30

COMMITTEE: Health and Human Services

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.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT requiring the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission.

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

1 1 Findings. The general court hereby finds that the use of restraints by law enforcement when
2 transporting patients subject to involuntary emergency admission pursuant to RSA 135-C has
3 resulted in trauma to individuals and increased stigma about mental illness. The general court
4 further recognizes that clinicians, rather than law enforcement, should be responsible for the
5 decision making regarding transporting patients to New Hampshire hospital and other designated
6 receiving facilities. Therefore, the general court hereby declares that the commissioner of the
7 department of health and human services shall develop an alternative, centralized system for these
8 transportation needs so that individuals are treated respectfully, safely, and in a consistent manner,
9 and so that mental illness is not criminalized.

10 2 New Paragraph; Duties of Commissioner; Centralized System for Transportation to Receiving
11 Facilities. Amend RSA 126-A:5 by inserting after paragraph XXX the following new paragraph:

12 XXXI. The commissioner shall develop a centralized system for transporting adults and
13 children subject to involuntary emergency admission, pursuant to RSA 135-C, to New Hampshire
14 hospital and other designated receiving facilities. The system may include, but shall not be limited
15 to, a state-operated transportation program operated by New Hampshire hospital, an externally
16 administered program, or a combination of both. The commissioner shall present a proposal for the
17 program no later than July 15, 2017, to the fiscal committee of the general court which shall consult
18 with the oversight committee on health and human services, established in RSA 126-A:13. If the
19 commissioner's proposal includes an externally administered program, the commissioner shall issue
20 a 5-year request for proposals to enter into contracts with the vendors that demonstrate the
21 greatest ability to satisfy the intent of this paragraph. The request for proposals shall be released
22 no later than October 15, 2017.

23 3 Mental Health Services System; Custody and Transportation. Amend the introductory
24 paragraph of RSA 135-C:62, I to read as follows:

25 I. ~~[Except as provided in RSA 135-C:29,]~~ Any law enforcement officer shall take custody of
26 persons who are subject to proceedings for involuntary emergency admission[;], involuntary
27 admission, or temporary revocation of a conditional discharge under RSA 135-C in the following
28 circumstances:

29 4 Repeal. RSA 135-C:29, relative to delivery to a receiving facility, is repealed.

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1 5 Applicability. RSA 135-C:29 shall be repealed as provided in section 4 of this act and
2 RSA 135-C:62, I shall be amended as provided in section 3 of this act, on the date the commissioner
3 certifies to the secretary of state and the director of legislative services that an alternative
4 transportation system for transporting patients in a mental health crisis to New Hampshire
5 hospital and other designated receiving facilities pursuant to RSA 126-A:5, XXXI, has been
6 implemented.

7 6 Effective Date.

8 I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

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

**SB 146-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission.

FISCAL IMPACT: ☒ State ☒ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill requires the commissioner of the Department of Health and Human Services to develop a centralized system, operated by the State, externally, or combination of both, for transporting persons subject to involuntary emergency admission to New Hampshire Hospital and other designated receiving facilities. Currently, County Sheriff Departments handle transportation for persons subject to involuntary admission under RSA 135-C. Regardless of the centralized transportation system, the Department estimates 20 percent of all involuntary emergency admissions will be for persons who engaged in criminal activity or exhibited dangerous behavior and will still require transportation by law enforcement for safety reasons. This would decrease county expenditures by an indeterminable amount. Per the Department, there were 1483 involuntary emergency admissions in FY 2015, of which 1187 (80 percent) likely would have received alternative transportation under a centralized system. In order to transport persons applicable under the proposed legislation through a State program, the Department states it would hire six Mental Health Worker II positions and require two four-wheel drive sport utility vehicles to ensure safe transport throughout the State seven days a week. Estimated purchase for two vehicles is \$67,620 in FY 2018 excluding ongoing costs for maintenance, mileage, and fuel. Position costs are estimated to be \$337,000 in FY 2018, \$324,000 in FY 2019, 342,000 in FY 2020, and \$360,000 in FY 2021. A one-time equipment expense of \$5,000 is also expected in

FY 2018 for a total of \$409,620 for that fiscal year. Cost estimates for a contracted program are indeterminable, but the Department states it would utilize the State procurement process to contract with a vendor demonstrating the greatest ability to provide the service in a cost-effective manner.

AGENCIES CONTACTED:

Department of Health and Human Services