

HB 726-FN - AS AMENDED BY THE SENATE

27Feb2019... 0633h  
04/11/2019 1344s  
04/11/2019 1456s

2019 SESSION

19-0113  
01/04

HOUSE BILL                    **726-FN**

AN ACT                    establishing a secure forensic psychiatric hospital advisory council and establishing a new forensic psychiatric hospital and making an appropriation therefor.

SPONSORS:                Rep. Cushing, Rock. 21; Rep. P. Schmidt, Straf. 19; Rep. Rice, Hills. 37; Rep. Knirk, Carr. 3; Rep. Danielson, Hills. 7; Rep. Tanner, Sull. 9; Rep. Graham, Hills. 7; Rep. McMahon, Rock. 7; Sen. Hennessey, Dist 5; Sen. Sherman, Dist 24; Sen. Levesque, Dist 12

COMMITTEE:              Criminal Justice and Public Safety

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AMENDED ANALYSIS

This bill establishes a secure forensic psychiatric hospital advisory council to assist the commissioner of the department of health and human services in the development of plans for and the construction of a new secure multi-purpose forensic psychiatric hospital. The council is repealed January 1, 2023.

This bill also establishes procedures and deadlines for a new 60-bed forensic psychiatric hospital and makes an appropriation for that purpose.

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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                                 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT                establishing a secure forensic psychiatric hospital advisory council and  
                             establishing a new forensic psychiatric hospital and making an appropriation  
                             therefor.

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

1            1 New Section; Secure Forensic Psychiatric Hospital Advisory Council. Amend RSA 622 by  
2 inserting after section 52 the following new section:

3            622:52-a Secure Forensic Psychiatric Hospital Advisory Council.

4            I. There is hereby established a secure forensic psychiatric hospital advisory council to  
5 assist the commissioner of the department of health and human services with the planning and  
6 construction of a new secure multi-purpose forensic psychiatric hospital to treat patients currently  
7 civilly committed to the secure psychiatric unit. The members of the advisory council shall be:

8            (a) Five members of the house of representatives, appointed by the speaker of the house  
9 of representatives.

10           (b) Two members of the senate, appointed by the senate president.

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

12           (d) The commissioner of the department of corrections, or designee.

13           (e) The director of medical and forensic services of the department of corrections, or  
14 designee.

15           (f) The chief operating officer of the New Hampshire hospital, or designee.

16           (g) One member representing New Hampshire Legal Assistance, appointed by that  
17 organization.

18           (h) One member of the American Civil Liberties Union of New Hampshire, appointed by  
19 that organization.

20           (i) A representative of the National Alliance on Mental Illness New Hampshire,  
21 appointed by such organization.

22           (j) A representative of the New Hampshire Psychiatric Society, appointed by the society.

23           (k) A representative of the New Hampshire Community Behavioral Health Association,  
24 appointed by such organization.

25           (l) A representative of Advocates for Ethical Mental Health Treatment, appointed by  
26 such organization.

27           (m) A representative of the Community Support Network, Inc, appointd by that  
28 organization.

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1           (n) Two members of the public, one of whom shall be a family member of a person who  
2 was civilly committed to the secure psychiatric unit, appointed by the governor.

3           (o) A representative of New Hampshire Peer Voice, appointed by that organization.

4           II. The advisory council shall assist the commissioner of the department of health and  
5 human services in the development of plans for and the construction of a new secure multi-purpose  
6 forensic psychiatric hospital for the purpose of providing treatment in an accredited institution for  
7 patients currently treated pursuant to the provisions of RSA 622:45.

8           III. Legislative members shall receive mileage at the legislative rate while attending to the  
9 duties of the advisory council.

10          IV. The members of the advisory council shall elect a chairperson from among the  
11 members. The first meeting of the commission shall be called by the first-named house member.  
12 The first meeting of the commission shall be held within 30 days of the effective date of this section.  
13 Nine members of the commission shall constitute a quorum.

14          V. The advisory council shall submit an annual report on November 1 of each year,  
15 commencing November 1, 2019, and a final report on November 1, 2022, detailing its activities and  
16 findings, together with any recommendations for proposed legislation, to the president of the  
17 senate, the speaker of the house of representatives, the chairpersons of the house criminal justice  
18 and public safety and the house health, human services, and elderly affairs committees, the  
19 chairperson of the senate judiciary committee, the chairperson of the senate health, human  
20 services, and elderly affairs committee, the state library, and the governor.

21          2 Repeal. RSA 622:52-a, relative to the secure forensic psychiatric hospital advisory council, is  
22 repealed.

23          3 Department of Health and Human Services; Forensic Psychiatric Hospital.

24           I. The commissioner of the department of health and human services, in consultation and  
25 in collaboration with the attorney general, the commissioner of the department of corrections, and  
26 the commissioner of the department of administrative services, shall administer the development  
27 and implementation of construction, staffing, and operational plans for a new 60-bed forensic  
28 psychiatric hospital.

29           II. The construction, operational, and staffing plans for the new 60-bed forensic psychiatric  
30 hospital shall be completed by November 1, 2019. Construction shall not commence until such  
31 plans are submitted to and approved by the joint legislative fiscal committee and the long range  
32 capital planning and utilization committee. The new forensic psychiatric hospital shall be  
33 operational by September 1, 2021.

34           III. All contracts and projects set forth in paragraphs I and II of this section, and plans and  
35 specifications therefor, shall be awarded in accordance with the provisions of RSA 21-I.

36           IV. In preparation for the operation of the new 60-bed forensic psychiatric hospital, the  
37 commissioner of the department of health and human services, in consultation and in collaboration  
38 with the attorney general, the commissioner of the department of corrections, and the commissioner

1 of the department of administrative services, shall recommend proposed legislation for any changes  
2 to statutes or administrative rules that are deemed necessary for the transition of patients to and  
3 the operation of the new 60-bed forensic psychiatric hospital. In developing such recommendations,  
4 and the plans and deadlines required in paragraph II, the commissioner of the department of health  
5 human services shall solicit input from public and private stakeholders as the commissioner deems  
6 necessary and appropriate. The commissioner of the department of health human services shall  
7 submit the recommendations required by this paragraph to the speaker of the house of  
8 representatives, the president of the senate, and the governor no later than November 1, 2019.

9 V. There is hereby appropriated to the department of health and human services the sum of  
10 \$26,000,000 for the fiscal year ending June 30, 2019. Such funds shall be nonlapsing and shall be  
11 expended for the purpose of constructing a new 60-bed forensic psychiatric hospital in accordance  
12 with the provisions of this section. The governor is authorized to draw a warrant for said sum out  
13 of any money in the treasury not otherwise appropriated.

14 4 Effective Date.

15 I. Section 2 of this act shall take effect January 1, 2023.

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

LBAO  
19-0113  
Amended 3/5/19

**HB 726-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2019-0633h)

AN ACT                    establishing a secure forensic psychiatric hospital advisory council.

**FISCAL IMPACT:**    ☐ State                    ☐ County                    ☐ Local                    ☒ None

**METHODOLOGY:**

This bill establishes an advisory council to assist the Department of Health and Human Services with planning and construction of a new secure multi-purpose forensic psychiatric hospital. The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county, and local expenditures or revenue.

**AGENCIES CONTACTED:**

None