

SENATE FINANCE

HB 1 & 2

AMENDMENT PACKET

05/20/15

ESTIMATED SOURCE OF FUNDS FOR
FOOD PROTECTION

007 Agency Income 300,000 300,000
009 Agency Income 123,025 123,985
GENERAL FUND 945,561 999,457
TOTAL SOURCE OF FUNDS 1,368,586 1,423,442

ORGANIZATION NOTES

*F. This appropriation shall not lapse until June 30, 2017.

[143:11 Licenses; Fees. – III. All fees collected under this subdivision shall be forwarded to the state treasurer. The state treasurer shall credit all moneys received under this subdivision, and interest received on such money, to a special fund from which he shall pay all the expenses of the department incident to the administration of this subdivision. This fund shall not lapse.]

ESTIMATED SOURCE OF FUNDS FOR
RADIOLOGICAL HEALTH FEES

001 Transfer from Other Agencies 86,469 88,548
009 Agency Income 956,869 976,839
FEDERAL FUNDS 31,532 32,000
TOTAL SOURCE OF FUNDS 1,074,870 1,097,387

ORGANIZATION NOTES

*F. This appropriation shall not lapse until June 30, 2017.

[125-F:8-b Radiation User and Laboratory Fees Fund. – There is hereby established the radiation user and laboratory fees fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees collected in accordance with RSA 125-F:8, IV. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter.]

ESTIMATED SOURCE OF FUNDS FOR
RADIOLOGICAL EMERGENCY RESPON

001 Transfer from Other Agencies 466,900 448,184
TOTAL SOURCE OF FUNDS 466,900 448,184

ORGANIZATION NOTES

*F. This appropriation shall not lapse until June 30, 2017.

[The Radiological Emergency Response in AU 5299 is not one of our dedicated funds. Those monies come from the Department of Safety. The revenue received is based on billings HHS submits to DOS. Thus, the footnote wouldn't make sense in that HHS bills them actual cost...HHS should not have excess funds.]

ESTIMATED SOURCE OF FUNDS FOR
LOW-LEVEL RADIOACTIVE WASTE MGT

003 Revolving Funds 15,000 15,000

TOTAL SOURCE OF FUNDS 15,000 15,000

ORGANIZATION NOTES

* F. This appropriation shall not lapse until June 30, 2017.

[125-F:8-a Low-Level Radioactive Waste Management Fund. –

I. There is hereby established the New Hampshire low-level radioactive waste management fund to be used for the purposes of this section. This nonlapsing, revolving special fund is hereby continually appropriated to be expended by the department of health and human services in accordance with this section. Money collected under this section but not needed to meet the obligations of the department of health and human services under this section shall be deposited in the New Hampshire low-level radioactive waste management fund. The state treasurer shall invest the moneys so deposited as provided by law. Interest received on investments made by the state treasurer shall also be credited to the fund.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 676

ESTIMATED SOURCE OF FUNDS FOR
LEAD POISONING PREVENTION FUND

009 Agency Income 107,980 107,980

TOTAL SOURCE OF FUNDS 107,980 107,980

ORGANIZATION NOTES

* F. This appropriation shall not lapse until June 30, 2017.

[130-A:15 Lead Poisoning Prevention Fund. – There is hereby established the lead poisoning prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to implement and encourage lead paint removal and education, and to support program staff and administrative costs. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 681

ESTIMATED SOURCE OF FUNDS FOR
WIC FOOD REBATES

005 Private Local Funds 5,008,111 5,008,111

TOTAL SOURCE OF FUNDS 5,008,111 5,008,111

ORGANIZATION NOTES

* F. This appropriation shall not lapse until June 30, 2017.

[132:12-e Women, Infants, and Children (WIC) Program Fund. – There is hereby established the women, infants, and children (WIC) fund. The fund shall be composed of food rebates, including but not limited to, infant formula and baby food, purchased under the WIC program established pursuant to this chapter. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of continuous support for the WIC program as required by federal law and regulations.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 684

ESTIMATED SOURCE OF FUNDS FOR
NEWBORN SCREENING REVOL FUND
003 Revolving Funds 990,468 993,154
TOTAL SOURCE OF FUNDS 990,468 993,154
HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 685
05 HEALTH AND SOCIAL SERVICES (CONT.)
95 HEALTH AND HUMAN SVCS DEPT OF (CONT.)
90 HHS: DIVISION OF PUBLIC HEALTH (CONT.)
902010 BUREAU OF COMM & HEALTH SERV (CONT.)
5240 NEWBORN SCREENING REVOL FUND (CONT.)

ORGANIZATION NOTES

* F. This appropriation shall not lapse until June 30, 2017.

[132:10-a Newborn Screening Tests Required; Newborn Screening Advisory

Committee. – II. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by hospitals for the tests required under paragraph I. All such fees shall be paid into the newborn screening fund, hereby established in the state treasury. Moneys from the newborn screening fund established under this section shall be nonlapsing and shall be continually appropriated for use by the department to cover laboratory analysis and related newborn screening program costs.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 694

05 HEALTH AND SOCIAL SERVICES
95 HEALTH AND HUMAN SVCS DEPT OF
90 HHS: DIVISION OF PUBLIC HEALTH
902510 BUR INFECTIOUS DISEASE CONTROL
2223 BOSTON EMA PART A
020 Current Expenses 100 100
070 In-State Travel Reimbursement 75 75
080 Out-Of State Travel 2,000 2,000
568 TI HIV Care Boston EMA 461,461 461,461
TOTAL 463,636 463,636

ESTIMATED SOURCE OF FUNDS FOR
BOSTON EMA PART A
005 Private Local Funds 463,636 463,636
TOTAL SOURCE OF FUNDS 463,636 463,636

ORGANIZATION NOTES

* F. This appropriation shall not lapse until June 30, 2017.

[Regarding the Boston EMA Part A in AU 2223 this is not an agency fee. This is funding HHS receives from the City of Boston for HIV clients. HHS has a contract with the City of Boston and only receives money based on expense reports HHS submits to them. Should be no excess funds to lapse.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 695

ESTIMATED SOURCE OF FUNDS FOR
PHARMACEUTICAL REBATES
006 Agency Income 4,563,090 4,568,122
FEDERAL FUNDS 18,198 17,892
TOTAL SOURCE OF FUNDS 4,581,288 4,586,014

ORGANIZATION NOTES

*F. This appropriation shall not lapse until June 30, 2017.

[141-F:12 AIDS Drug Assistance Program Fund. – There is hereby established the AIDS drug assistance program fund. The fund shall be composed of drug rebates received on drugs purchased under the AIDS drug assistance program established pursuant to this chapter. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of continuous support for the AIDS drug assistance program as required by federal law and regulations.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 698

05 HEALTH AND SOCIAL SERVICES (CONT.)
95 HEALTH AND HUMAN SVCS DEPT OF (CONT.)
90 HHS: DIVISION OF PUBLIC HEALTH (CONT.)
902510 BUR INFECTIOUS DISEASE CONTROL (CONT.)
5177 VACCINES - INSURERS (CONT.)
003 Revolving Funds 16,000,000 16,000,000
TOTAL SOURCE OF FUNDS 16,000,000 16,000,000

ORGANIZATION NOTES

*F. This appropriation shall not lapse until June 30, 2017.

[141-C:17-a Vaccine Purchase Fund. – There is hereby established a vaccine purchase fund for the purchase of antitoxins, serums, vaccines and immunizing agents, which are to be provided to the public at no cost except for the actual cost of administering such agents, under RSA 141-C:17. Any funds provided to the department for this purpose and deposited in the fund shall not be used for any other purpose. Moneys in the fund shall be continually appropriated to the commissioner of the department of health and human services.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 700

05 HEALTH AND SOCIAL SERVICES (CONT.)
95 HEALTH AND HUMAN SVCS DEPT OF (CONT.)
90 HHS: DIVISION OF PUBLIC HEALTH (CONT.)
902510 BUR INFECTIOUS DISEASE CONTROL (CONT.)
5179 HOSP ACQUIRED INFECTIONS (CONT.)

ORGANIZATION NOTES

*F. This appropriation shall not lapse until June 30, 2017.

[151:36 Payment by Hospitals and Ambulatory Surgical Centers. –

V. There is hereby established the health care associated infections fund. The fund shall be composed of fees collected in accordance with RSA 151:36, I-III and shall be used to carry out the provisions of this subdivision. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this subdivision.]

HB 0001 04/01/2015 VERSION NO: 02 FISCAL YEAR 2016 FISCAL YEAR 2017 PAGE 704

05 HEALTH AND SOCIAL SERVICES (CONT.)
95 HEALTH AND HUMAN SVCS DEPT OF (CONT.)
90 HHS: DIVISION OF PUBLIC HEALTH (CONT.)
903010 BUR LABORATORY SERVICES (CONT.)
1878 LAB EQUIPMENT FUND (CONT.)

030 Equipment New/Replacement 315,700 354,200
TOTAL 490,700 536,200
ESTIMATED SOURCE OF FUNDS FOR
LAB EQUIPMENT FUND
003 Revolving Funds 490,700 536,200
TOTAL SOURCE OF FUNDS 490,700 536,200

ORGANIZATION NOTES

* F. This appropriation shall not lapse until June 30, 2017.

[131:3-a Fee Required. –

II. All such fees collected by the commissioner of the department of health and human services from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of the department of health and human services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.]

Sen. Little, Dist. 8
April 24, 2015
2015-1430s
01/09

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 345 with the following:

2

3 345 Certificate of Need; Repeal. Upon repeal of the certificate of need law on June 30, 2016,
4 pursuant to 2013, 144:84, the unexpended balance of any fees collected pursuant to 151-C:15 shall be
5 deposited in the general fund.

Draft Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2015-1430s

AMENDED ANALYSIS

Replace paragraph 118 with the following:

118. Requires that upon the repeal of the certificate of need law on June 30, 2016, the unexpended balance of any fees collected pursuant to 151-C:15 shall be deposited in the general fund.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 346 with the following:

2

3 346 New Paragraphs; Health Facility Licensure; License or Registration Required; Exception for
4 Continuing Care Communities. Amend RSA 151:2 by inserting after paragraph V the following new
5 paragraphs:

6 VI. No license shall be granted for any new bed in a nursing home, skilled nursing facility,
7 intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities
8 offering comprehensive rehabilitation services. However, a license shall be issued for replacement or
9 renovation of existing beds as necessary to meet life safety code requirements or to remedy
10 deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification
11 process pursuant to Titles XVIII and XIX of the Social Security Act. In addition, a license may be
12 issued for construction or renovation as necessary to repair or refurbish an existing facility, or to
13 accommodate additional beds obtained by transfer to an existing facility.

14 VII. Notwithstanding paragraph VI, any facility that is regulated as a continuing care
15 community under RSA 420-D and which seeks licensure for additional nursing home beds shall be
16 licensed at no more than one nursing home bed for every 4 residential units in the continuing care
17 community; provided that the following conditions are met:

18 (a) Admissions to the nursing home component of a continuing care community shall be
19 limited to persons who have been residents of the community for a period of not less than 180
20 consecutive days immediately preceding admission into the nursing home unless such admission is
21 medically indicated as a result of illness or accident which occurred subsequent to residence in the
22 continuing care community or is the admission of the non-resident spouse of a resident of the
23 community; and

24 (b) No continuing care community shall admit to its nursing home any person who
25 qualifies for medical assistance unless that person was a resident of the continuing care community's
26 subsidized low-income housing prior to admission to the nursing home.

Draft Amendment to HB 2-FN-A-LOCAL

1 1 Certificate of Need; Moratorium. Amend RSA 151-C:4, III(a) to read as follows:

2 III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled
3 nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter
4 310, laws of 1995, department of health and human services reorganization act, through the period
5 ending June 30, [2016] **2018**. This moratorium shall also apply to new certificates of need regarding
6 any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering
7 comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement
8 or renovation of existing beds as necessary to meet life safety code requirements or to remedy
9 deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification
10 process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need
11 may be issued for construction or renovation as necessary to repair or refurbish an existing facility,
12 or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair,
13 refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure
14 threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any
15 state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate
16 whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing
17 inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds.
18 If the application is approved, it shall be deemed that the board has agreed with the indicated reason
19 for such application.

20 2 Certificate of Need Repeal; Effective Date. Amend 2013, 144:180, VIII to read as follows:

21 VIII.(a) [~~Sections 84 and~~] *Section* 140 of this act shall take effect June 30, 2016.

22 (b) *Section 84 of this act shall take effect June 30, 2018.*

23 3 State Health Plan. RSA 151-C:4-a is repealed and reenacted to read as follows:

24 151-C:4-a State Health Plan.

25 I. The board shall develop and issue a state health plan by January 1, 2017. The state
26 health plan shall provide guidance relative to the certificate of need process under this chapter to
27 support priority goals. Specifically, the state health plan shall provide goals and key strategies for
28 improving the health of New Hampshire citizens that ensure:

29 (a) Access to necessary health care services.

30 (b) Efficient spending of limited health care resources to produce reasonable savings and
31 more affordable health care.

1 (c) Quality of health care based on evidence-based practices to improve health outcomes.

2 II. The board shall submit an annual report beginning December 1, 2015 to the governor,
3 president of the senate, speaker of the house of representatives, commissioner of the department of
4 health and human services, commissioner of the insurance department, and commissioner of the
5 department of administrative services. The annual report shall assess progress toward developing
6 the state health plan.

7 III. Notwithstanding any provision of law to the contrary, hospitals, as defined in RSA 151-
8 C:2, XX shall pay a one-time special assessment the aggregate of which shall total \$250,000 to the
9 health services planning and review board, established in RSA 151-C:3, which shall be used for the
10 purposes of developing the state health plan as required under this section. Moneys collected from
11 the assessment under this paragraph shall not lapse until June 30, 2017. Contracts for
12 administrative support or consulting services for the purposes of this paragraph shall not require
13 governor and council approval. The state health plan shall be delivered to the speaker of the house
14 of representatives, the president of the senate, and the governor on or before January 1, 2017.

2015-1800s

AMENDED ANALYSIS

1. Delays the repeal of the certificate of need until 2018.
2. Modifies requirements for the state health plan.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 255 with the following:

2

3 255 Department of Health and Human Services; Transfer Among Accounts. Notwithstanding
4 any other provision of law to the contrary and subject to the approval of the fiscal committee of the
5 general court and governor and council, for the biennium ending June 30, 2017, the commissioner of
6 the department of health and human services is hereby authorized to transfer funds within and
7 among all accounting units within the department, as the commissioner deems necessary and
8 appropriate to address present or projected budget deficits, or to respond to changes in federal laws,
9 regulations, or programs, and otherwise as necessary for the efficient management of the
10 department. If the department intends to transfer funds, which would otherwise meet the transfer
11 requirements as set forth in RSA 9:17-a, prior approval of the fiscal committee and governor and
12 council shall be required for transfers of \$75,000 or more.

13

14 Amend the bill by deleting section 256.

Sen. D'Allesandro, Dist. 20
Sen. Hosmer, Dist. 7
May 18, 2015
2015-1801s
05/06

Draft Amendment to HB 2-FN-A-LOCAL

1 1 Department of Health and Human Services; Transfer Authority; Medicaid Managed Care
2 Program. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary
3 except RSA 9:17-c, the commissioner of the department of health and human services is hereby
4 authorized, by notification to the commissioner of the department of administrative services, to
5 transfer funds within and among all accounting units within the department, as the commissioner
6 deems necessary and appropriate to implement the Title XIX Medicaid managed care program. The
7 commissioner will notify the fiscal committee of the general court and governor and council of such
8 transfers.

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

2015-1801s

AMENDED ANALYSIS

1. Allows the commissioner of the department of health and human services to transfer funds within accounting units of the department to implement the Medicaid managed care program.

Sen. Forrester, Dist. 2
Sen. Little, Dist. 8
May 5, 2015
2015-1562s
03/05

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 350-352.

Draft Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2015-1562s

AMENDED ANALYSIS

Delete:

122. Repeals the health insurance premium payment (HIPP) program on July 1, 2015.

Sen. Forrester, Dist. 2
May 11, 2015
2015-1664s
01/04

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 265 with the following:

2

3 265 Department of Health and Human Services; Public Safety and Welfare; Medicaid
4 Enhancement for Children and Pregnant Women. If the New Hampshire health protection program
5 established under RSA 126-A:5, XXIII-XXV is repealed effective December 31, 2016 or earlier, the
6 commissioner of the department of health and human services shall reinstate Medicaid coverage and
7 open enrollment for children and pregnant women under RSA 167:68. The commissioner of the
8 department of health and human services shall adopt rules pursuant to RSA 541-A to establish the
9 eligibility levels for Medicaid coverage under RSA 167:68 identical to the eligibility levels which were
10 in effect prior to the effective date of the New Hampshire health protection program.

11 266 Department of Health and Human Services; Public Safety and Welfare; Medicaid
12 Enhancement for Children and Pregnant Women. Amend the introductory paragraph of
13 RSA 167:68, I to read as follows:

14 I. Establish by July 1, 1999, categorically needy coverage groups under RSA 167:6, VII and
15 Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI) and
16 1902(a)(10)(i)(VII) and establish less restrictive income and resource methodologies under section
17 1902(r)(2) of Title XIX of the Social Security Act as necessary to increase the eligibility level for
18 medicaid coverage to a minimum of [170] 185 percent of the federal poverty level disregarding
19 resources for a family size equal to the size of the family including the woman, infant or child. This
20 includes:

Sen. D'Allesandro, Dist. 20
Sen. Hosmer, Dist. 6
May 18, 2015
2015-1804s
05/10

Draft Amendment to HB 2-FN-A-LOCAL

1 1 Department of Health and Human Services; Medicaid Program. Amend RSA 126-A:5,
2 XXIII(a) to read as follows:

3 XXIII.(a) The commissioner shall provide access to the health insurance premium payment
4 (HIPP) program established by the department pursuant to section 1906 of the Social Security Act of
5 1935 to Medicaid newly eligible adults from 0-133 percent of the federal poverty level (FPL) who are
6 eligible for medical assistance under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935,
7 as amended, 42 U.S.C. section 1396a(a)(10)(A)(i) ("newly eligible adults") and their spouse and
8 dependents if applicable [~~until December 31, 2016~~] to maximize the use of private insurance and
9 available federal assistance. All newly eligible adults who have access to qualified employer
10 sponsored insurance either directly as an employee or indirectly through another individual who is
11 eligible for qualified employer sponsored insurance, shall be required to participate in the HIPP
12 program in order to receive medical assistance, if eligible and determined by the department to be
13 cost effective as required by the federal Centers for Medicare and Medicaid Services (CMS).

14 2 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-
15 A:5, XXV(a) to read as follows:

16 XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the
17 marketplace premium assistance program. This will be a premium assistance program for newly
18 eligible adults and their eligible spouse and dependents, if applicable, who are ineligible for the
19 HIPP program established in RSA 126-A:5, XXIII [~~until December 31, 2016~~] and shall be
20 administered by the department of health and human services. In order to receive medical
21 assistance from the program, newly eligible adults who are ineligible for the HIPP program shall
22 choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost
23 effective; provided, however, that any newly eligible adult who had coverage under an alternative
24 benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the
25 voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV
26 shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that
27 same MCO if one is available, unless such newly eligible adult subsequently chooses a different QHP
28 during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO
29 then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall
30 be in an amount which shall be no less than before the effective date of this paragraph.

1 3 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-
2 A:5, XXV (c) to read as follows:

3 (c) If the waiver to implement the marketplace premium assistance program is approved
4 on or before March 31, 2015 then, ~~[coverage under the voluntary bridge to marketplace premium~~
5 ~~assistance program established in RSA 126-A:5, XXIV shall terminate on December 31, 2015.~~
6 ~~Enrollment]~~ enrollment in the marketplace premium assistance program shall begin on October [15]
7 ~~I, 2015 and coverage shall begin on January 1, 2016. [Coverage shall end on December 31, 2016.]~~
8 The cost of the medical assistance provided under the marketplace premium assistance program
9 shall be paid solely from federal funds *through December 31, 2016 and thereafter* as provided
10 under 42 U.S.C. section 1396d(y).

1. Extends the New Hampshire health protection program.

Draft Amendment to HB 2-FN-A-LOCAL

1 1 New Hampshire Health Protection Program. Amend 2014, 3:10, I to read as follows:

2 I. If at any time the federal match rate applied to medical assistance for newly eligible
3 adults under RSA 126-A:5, XXIII-XXV [~~between July 1, 2014~~ ~~December 31, 2016~~] is less than
4 [100 percent] *the amount* as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIII,
5 XXIV, and XXV shall immediately be repealed upon notification by the commissioner of the
6 department of health and human services to the secretary of state and the director of legislative
7 services.

8 2 Repeal. RSA 2014, 3:12, I-VII, relative to the prospective repeal of the New Hampshire health
9 protection plan, is repealed.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-1798s

AMENDED ANALYSIS

1. Allows the New Hampshire health protection plan to be immediately repealed if the federal match rate applied to medical assistance for newly eligible adults drops below the amount set forth in federal law.

2. Repeals the prospective repeal of the New Hampshire health protection plan.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 349 with the following:

2

3 349 Department of Health and Human Services, Sununu Youth Services Center; Reduction in
4 Appropriation. The department of health and human services is hereby directed to reduce state
5 general fund appropriations to the Sununu Youth Services Center by \$3,496,746 for the fiscal year
6 ending June 30, 2017. The department shall operate the Sununu Youth Services Center within the
7 allotted budget, or may enter into contracts for operation of the Sununu Youth Services Center,
8 including establishing necessary class lines, as long as total operating costs do not exceed
9 \$10,100,000 for the fiscal year ending June 30, 2017.

10 350 Department of Health and Human Services; Sununu Youth Services Center; Cost Savings
11 Plan. The department of health and human services shall develop a plan to reduce the cost of
12 providing existing services at the Sununu Youth Services Center. The plan shall include
13 privatization of services, offering additional and compatible services, and consider the most
14 appropriate, cost effective, long and short-term uses of the center as described in the January 1, 2014
15 report issued pursuant to 2013, 249. The department shall submit the plan to the fiscal committee
16 of the general court for approval on or before November 1, 2015, and begin implementation of the
17 plan by January 1, 2016.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-1854s

AMENDED ANALYSIS

121. Reduces the appropriation to the Sununu Youth Services Center and requires the department of health and human services to develop and implement a cost savings plan for the center.

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 249 with the following:

2

3 249 Liquor Commission; Funds; Alcohol Abuse Prevention and Treatment Fund. Amend RSA
4 176:16, III to read as follows:

5 III. [~~Fifty percent of the amount by which the current year gross profits exceed fiscal year~~
6 ~~2001 actual gross profit, but not more than 5~~] **1.7** percent of the [current] *previous fiscal* year gross
7 profits derived by the commission from the sale of liquor [~~and other revenues,~~] shall be deposited into
8 the alcohol abuse prevention and treatment fund established by RSA 176-A:1. *For the purpose of*
9 *this section, gross profit shall be defined as total operating revenue minus the cost of sales*
10 *and services as presented in the state of New Hampshire comprehensive annual financial*
11 *report, statement of revenues, expenses and changes in net position for proprietary funds.*

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

2015-1780s

AMENDED ANALYSIS

63. Modifies the amount of liquor revenues to be deposited in the alcohol abuse prevention and treatment fund.

Senators Forrester and Little

HB1 Amendment

Governor's Commission Funds - Budget Footnote:

FY 2016-17 Operating Budget

CLASS NOTES

102 The appropriation in class 102 to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment is to fund the alcohol abuse prevention and treatment fund. The appropriation shall not lapse or be used for any other purpose and shall not be considered for budget reductions required pursuant to any section of this act or any other budget reduction, including executive orders required of the department of health and human services.

Of the funds appropriated in this account, \$20,000 in each fiscal year shall be used to fund services to prevent and reduce youth alcohol use provided by Communities for Alcohol and Drug Free Youth known as CADY.

Of the funds appropriated in this account, \$25,000 in each fiscal year shall be used to fund the Seeking Safety Program for individuals with a history of substance use disorder and trauma located at the Shea Farm Transitional Housing Unit within the Department of Corrections.

Draft Amendment to HB 2-FN-A-LOCAL

1 1 New Chapter; Office of Substance Use Disorders and Behavioral Health. Amend RSA by
2 inserting after chapter 12-N the following new chapter:

3 CHAPTER 12-O

4 OFFICE OF SUBSTANCE USE DISORDERS AND BEHAVIORAL HEALTH

5 12-O:1 Establishment; General Duties and Responsibilities.

6 I. There is established the office of substance use disorder and behavioral health within the
7 office of the governor. The office of substance use disorder and behavioral health shall be under the
8 supervision and direction of the governor or the governor's designee. The governor's designee shall
9 be known as the senior director of the office of substance use disorder and behavioral health, and
10 shall be appointed for a fixed term.

11 II. The office of substance use disorder and behavioral health shall:

12 (a) Coordinate state resources, state agency spending and budget proposals in the areas
13 of mental health and substance abuse prevention and treatment.

14 (b) Propose solutions to the governor to reduce unnecessary duplication of state efforts
15 and resources.

16 (c) Identify evidence-based treatment practices for substance use disorder services and
17 work with state agencies to ensure quality delivery of such services.

18 (d) Encourage the coordination and correlation of state planning by agencies of state
19 government.

20 (e) Participate in interstate, regional, and national planning efforts.

21 (f) Lead grant application efforts that assist in the state's efforts to address substance
22 use disorders and other behavioral health challenges.

23 (g) Identify barriers to and gaps in New Hampshire's system of care.

24 (h) Serve as the governor's liaison to the governor's commission on alcohol, substance
25 abuse prevention, treatment and recovery established in RSA 12-J:1.

26 (i) Perform such other duties as the governor may assign.

27 III. All state agencies and departments shall provide the office of substance use disorder and
28 behavioral health such information and assistance as required by the office to fulfill its
29 responsibilities. The office shall maintain the confidentiality of any information which is protected
30 by law.

1 12-O:2 Coordination.

2 I. The office of substance use disorder and behavioral health shall formulate policies and
3 plans for consideration by the governor which serve to integrate and coordinate resource and
4 development activities affecting more than one state agency, level of government, or governmental
5 function. Nothing in this paragraph shall be construed to grant the governor any additional
6 authority to implement such plans beyond that which has been granted to him or her under the
7 constitution and other laws of this state.

8 II. The senior director of substance abuse and mental health shall serve on the governor's
9 commission on alcohol and substance abuse prevention, treatment and recovery.

10 2 New Paragraph; Commissioner of the Department of Health and Human Services; Substance
11 Use Disorder Services. Amend RSA 126-A:5 by inserting after paragraph XXVII the following new
12 paragraph:

13 XXVIII. The commissioner shall submit a state plan amendment to the Center for Medicare
14 and Medicaid Services to provide substance use disorder services to Title XIX and Title XXI
15 beneficiaries. The commissioner shall design the benefit consistent with Substance Abuse and
16 Mental Health Service Administration (SAMHSA) treatment guidelines. The commissioner shall
17 also determine the process and timeline for implementing services and, if necessary, phase in the
18 benefit.

19 3 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund
20 Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2017, all gross
21 revenue derived by the liquor commission from the sale of liquor and related products, or from
22 license fees, shall be deposited into the liquor commission fund.

2015-1791s

AMENDED ANALYSIS

1. Establishes the office of substance use disorder and behavioral health within the governor's office.

2. Requires the commissioner of the department of health and human services to submit a state plan amendment to provide substance use disorder services to Title XIX and Title XXI beneficiaries.

3. Suspends the payment of liquor revenues to the alcohol abuse prevention and treatment.

Sen. Morse, Dist. 22
May 7, 2015
2015-1615s
09/10

Draft Amendment to HB 2-FN-A-LOCAL

1 1 Department of Health and Human Services; Social Services Block Grant Cost of Living
2 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
3 June 30, 2017, the department of health and human services shall raise the income eligibility for
4 elderly and adult clients under the Social Services Block Grant program each January, by the
5 percentage amount of the cost of living increase in social security benefits on a yearly basis.

Sen. Forrester, Dist. 2
Sen. Little, Dist. 8
May 5, 2015
2015-1561s
03/05

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 357.

Draft Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2015-1561s

AMENDED ANALYSIS

Delete:

126. Establishes that for the biennium ending June 30, 2017, a portion of the nursing facility assessment and intermediate care facility assessment shall be used for purposes of long-term care services provided by the state.

Sen. Morse, Dist. 22
May 20, 2015
2015-1848s
05/10

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 266 with the following:

2

3 266 Department of Health and Human Services; Bureau of Adult and Elderly Services; County
4 Payment of Funds for Persons Eligible to Receive Nursing Home Services: Limitation on County
5 Payments; Credit. Amend RSA 167:18-a, II(a) to read as follows:

6 (a) The total billings to all counties made pursuant to this section shall not exceed the
7 amounts set forth below for state fiscal years [~~2014-2015~~] **2016-2017**:

8 (1) State fiscal year [~~2014, \$109,000,000~~] **2016, \$114,562,000.**

9 (2) State fiscal year [~~2015, \$112,500,000~~] **2017, \$115,268,000.**

Sen. Forrester, Dist. 2
Sen. Little, Dist. 8
May 5, 2015
2015-1570s
10/03

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend section 376 of the bill by inserting the following new paragraph:

2

3 VII. Sections 342 and 343 of this act shall take effect June 30, 2015.

Sen. D'Allesandro, Dist. 20
Sen. Hosmer, Dist. 7
May 19, 2015
2015-1829s
01/09

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 342 and 343 with the following:

2

3 342 Health and Human Services; Nursing Home Appropriations. Amend 2013, 143:1,
4 accounting unit 05-95-48-481510-5942 by replacing the organizational notes immediately following
5 such accounting unit with the following:

6 ORGANIZATION NOTES

7 *The appropriation contained in class 504 may only be used for nursing home payments and
8 shall not be used for or transferred for other purposes. Classes 505, 506, and 529 may only be
9 transferred between and among said classes for payments made in relation to the Choice for
10 Independence community waiver services program. The appropriations shall not lapse or be used for
11 any other purpose. The appropriations shall not be considered for budget reductions required
12 pursuant to sections 10 and 14 of this act or any other budget reduction, including executive orders
13 required of the department of health and human services. Upon completion of the state's audit, if
14 any balance remains in lines 504 nursing home payments as of June 30, 2015, the department shall
15 pay the entire balance in a lump sum distribution paid proportionately to nursing home providers
16 based on the Medicaid payments made to each nursing home provider during the fiscal year ending
17 June 30, 2015. Upon completion of the state's audit, if any balance remains as of June 30, 2015 in
18 lines 505, 506, 529 related to the choices for independence (CFI) community services, the department
19 shall pay an amount equal to 2 percent of the Medicaid payments made to each CFI provider during
20 fiscal year 2015 or the remaining balance whichever is lower, as a lump sum distribution. Any
21 balance after the payment shall lapse to the general fund.

Sen. Morse, Dist. 22
May 14, 2015
2015-1756s
05/09

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 258 with the following:

2

3 258 Department of Health and Human Services; Division of Community-Based Care Services,
4 Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the
5 biennium ending June 30, 2017, the department of health and human services shall maintain a limit
6 on benefits of \$4,000 per person per year for adults with low service utilization of community mental
7 health services, as identified in He-M 401.07; provided, that the department shall also establish, by
8 rule under RSA 541-A, a procedure for such persons or community health providers to request a
9 waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the
10 commissioner of the department of health and human services, the fiscal committee of the general
11 court may authorize a higher per person per year limit.

Draft Amendment to HB 2-FN-A-LOCAL

1 1 New Paragraph; Commissioner of the Department of Health and Human Services; Substance
2 Use Disorder Services. Amend RSA 126-A:5 by inserting after paragraph XXVII the following new
3 paragraph:

4 XXVIII. The commissioner shall submit a state plan amendment to the Center for Medicare
5 and Medicaid Services to provide substance use disorder services to Title XIX and Title XXI
6 beneficiaries. The commissioner shall design the benefit consistent with Substance Abuse and
7 Mental Health Service Administration (SAMHSA) treatment guidelines. The commissioner shall
8 also determine the process and timeline for implementing services and, if necessary, phase in the
9 benefit.

Draft Amendment to HB 2-FN-A-LOCAL

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2015-1721s

AMENDED ANALYSIS

1. Requires the commissioner of the department of health and human services to submit a state plan amendment to provide substance use disorder services to Title XIX and Title XXI beneficiaries.

Sen. D'Allesandro, Dist. 20
Sen. Hosmer, Dist. 7
May 18, 2015
2015-1796s
10/05

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 353.

Draft Amendment to HB 2-FN-A-LOCAL

- Page 2 -

2015-1796s

AMENDED ANALYSIS

Delete paragraph 123 relative to the procedure to determine rate payments for providers of home and community-based services and nursing services under the care management program, department of health and human services.

Sen. D'Allesandro, Dist. 20
Sen. Hosmer, Dist. 7
May 18, 2015
2015-1789s
04/10

Draft Amendment to HB 2-FN-A-LOCAL

- 1 1 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The
2 commissioner of the department of health and human services shall submit a Title XIX Medicaid
3 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
4 catastrophic aid payments to hospitals for the biennium ending June 30, 2017.
5 2 Effective Date. Section 1 of this act shall take effect July 1, 2015.

Draft Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2015-1789s

AMENDED ANALYSIS

1. Requires the commissioner of the department of health and human services to submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals for the biennium ending June 30, 2017.

Draft Amendment to HB 2-FN-A-LOCAL

1 1 Department of Health and Human Services; General Provisions. Amend RSA 126-A:3, V to
2 read as follows:

3 V. Pharmacists ~~[shall]~~ **may** substitute generically equivalent drug products for all legend and
4 non-legend prescriptions paid for by the department of health and human services, including the
5 medicaid program, unless the prescribing practitioner specifies that the brand name drug product is
6 medically necessary. Such notification shall be in the practitioner's own handwriting and shall be
7 retained in the pharmacist's file. ~~[The provisions of paragraph III shall not apply to the dispensing~~
8 ~~by a pharmacy for medical assistance reimbursement for legend and non-legend drugs.]~~ The
9 commissioner, in consultation with pharmacy providers, shall establish medical assistance
10 reimbursement for legend and non-legend drugs.

11 2 Medical Services for Prisoners; Medical Services for State Prisoner. Amend RSA 623-C:2, III
12 to read as follows:

13 III. Pharmacists shall substitute generically equivalent drug products for all legend and non-
14 legend prescriptions paid for by the department of corrections, ~~[including the medicaid program,]~~
15 **when it is in the best economic interest of the state**, unless the prescribing practitioner specifies
16 that the brand name drug product is medically necessary. Such notification shall be in the
17 practitioner's own handwriting and shall be retained in the pharmacist's file **or documented by the**
18 **provider in an electronic health record in a format certified by the United States**
19 **Department of Health and Human Services, Office of the National Coordinator for Health**
20 **Information Technology**. The commissioner of the department of corrections may waive the
21 application of RSA 623-C:2, I if the commissioner determines such action is necessary to ensure the
22 availability of prescription and other pharmaceutical services to persons served by the state or to
23 avert serious economic hardship in the provision of prescriptions and other pharmaceutical services.

24 3 Effective Date. This act shall take effect July 1, 2015

2015-1807s

AMENDED ANALYSIS

1. Amends the authority of pharmacists regarding the substitution of generically equivalent drug products.

Sen. Forrester, Dist. 2
May 11, 2015
2015-1663s
01/03

NHH

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 368.

Sen. Morse, Dist. 22
May 6, 2015
2015-1585s
10/03

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 358.

Draft Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2015-1585s

AMENDED ANALYSIS

Delete paragraph 127, relative to the 10-bed psychiatric unit at the New Hampshire Hospital.

Sen. Morse, Dist. 22
Sen. Forrester, Dist. 2
May 8, 2015
2015-1648s
08/04

Draft Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 348.

Draft Amendment to HB 2-FN-A-LOCAL
- Page 2 -

2015-1648s

AMENDED ANALYSIS

Delete paragraph 120 relative to authorizing the department of health and human services to allocate appropriations for the 2016 and 2017 fiscal years in the manner most effective for serving the persons receiving developmental services.

Sen. D'Allesandro, Dist. 20
Sen. Hosmer, Dist. 7
May 15, 2015
2015-1793s
03/09

Draft Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 348 with the following:

2

3 348 Health and Human Services; Bureau of Developmental Services; Allocation of
4 Appropriation. Notwithstanding any other law to the contrary, the department may, consistent with
5 any applicable federal waiver and regulations, allocate the total appropriation for waiver and
6 nonwaiver services made to the bureau of developmental services for fiscal years 2016 and 2017 in a
7 manner the department determines to be the most efficient and effective in serving the eligible
8 population that receives such services and consistent with the goal of maximizing the eligible
9 person's potential for self-sufficiency, independence, and achievement of life goals.