

JOINT FISCAL COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, December 18, 2015

COMMITTEE MEMBERS:

Sen. Jeanie Forrester, Vice-Chair

Rep. Lynne Ober

Rep. Ken Weyler

Rep. Richard Barry

Rep. Mary Jane Wallner

Rep. Dan Eaton

Sen. Jerry Little

Sen. Chuck Morse

Sen. Andy Sanborn

Sen. Lou D'Allesandro

(Meeting convened at 10:03 a.m.)

(Pledge of Allegiance recited.)

(1) Acceptance of Minutes of the October 16, 2015,
Including continuation meeting of October 20, 2015,
And November 3, 2015 meetings

CHAIRWOMAN FORRESTER: Good morning. I'm going to open the meeting of the December 18th, 2015, Fiscal Committee.

Representative Kurk couldn't be with us this morning, so I'm taking his place and will try to fill those shoes. First thing on the agenda is acceptance of the minutes.

****** REP. OBER: So move.

SEN. LITTLE: Second.

CHAIRWOMAN FORRESTER: The motion to approve.

REP. WEYLER: Who made the motion?

REP. OBER: I did.

CHAIRWOMAN FORRESTER: Representative Ober.

REP. WEYLER: Second?

CHAIRWOMAN FORRESTER: Senator Little. Discussion? All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

(2) Old Business:

CHAIRWOMAN FORRESTER: There's no Old Business.

**(3) RSA 14:30-a, III Audit Topic Recommendation by
Legislative Performance Audit and Oversight Committee**

CHAIRWOMAN FORRESTER: Moving on to Tab (3), Legislative Performance Audit Oversight recommendations.

****** REP. OBER: Move to approve.

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Discussion? All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

Late Item:

CHAIRWOMAN FORRESTER: We are going to next take up the Late Item, which is the Department of Administrative Services' request for an extension on the CAFR. Commissioner.

VICKI QUIRAM, Commissioner, Department of Administrative Services: Good morning Committee. For the record, Vicki Quiram, Commissioner, Department of Administrative Services. And with me I have Gerard Murphy who is our Comptroller.

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This is a letter that we hated to send and we really don't like that we are here this morning. We are requesting an extension of the public release of the CAFR until January 15th, which will give us a little bit more time. We -- I have to say that many, many people in the state, and the LBA, and our auditors have worked tirelessly to meet this deadline. And we are working -- we are still working that way. We plan on being around. We plan on continuing to work just as hard as we have been. We are hopeful that we will still meet the December 31st date; but we really want to give the auditors the time to get it correct. We met with them last week and we all said, you know, what it's really foremost important for us to get it correct rather than get it on the exact day. So we are asking for an extension to the 15th.

I have addressed in the letter some of our challenges and I just want to mention one thing. I mentioned one of our challenges was that there's a lot of new people and that starts with me. And I -- I have to say I have never seen a group of people that's worked harder, that's worked as closely together, that's done as good of a job, and I appreciate so much all of the work that everybody has done. And even though we do have new people in a lot of the agencies, we have had an -- it's been very cooperative and very good, and we are continuing to work together as we speak, so.

The other thing I did put in the letter is we are prepared to address the latest draft of the surplus amounts for the General Highway and Fish and Game Funds. If you would like, Gerard can address those.

CHAIRWOMAN FORRESTER: Go ahead.

GERARD MURPHY, State Comptroller, Department of Administrative Services: Good morning, Members of the Committee. I did just want to mention that we have updated numbers as of yesterday for undesignated surplus in the fund that the Commissioner mentioned. And at -- and again, still subject to change, we are still working out the kinks, but I'm pretty comfortable that we are close to these being final numbers. I

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can't say that for certain but I'm pretty certain we're close. So in the education -- Education Trust Fund and General Fund the combined surplus will be about 62 million, which is down from the 73 million that was reported at 9:30 and so the -- the main driver for that decrease in the surplus has been a revision to the State's share of the total Medicaid liability.

The Highway Fund surplus at this point is about 16.2 million and the Fish and Game surplus is about 400,000. Again, subject to change, but these numbers, we're getting very close to being done and I don't anticipate much change throughout the rest of the process.

CHAIRWOMAN FORRESTER: Thank you, Gerard. Questions?
Senator Morse.

****** SEN. PRESIDENT MORSE: The -- I just want to point one thing out and then, obviously, I am voting on extending the presentation on the CAFR.

We heard back in September that we were going to have 73 million which was going to be above what we had predicted in the budget. Now you're a million and a half dollars below. So the reality is, I think everybody needs to understand that. Because I think everybody spent \$10 million 52 different ways going into January that they thought was extra. So as people are looking at things, I think it's important that they understand that -- my understanding from talking to LBA is this is -- this number was hard enough to present today, the revenue side. We are a million and a half short of plan for '15 when we close out '15. So everybody should understand that. And with that, I'd move the delaying the presentation of the CAFR till January 15th.

REP. OBER: Second.

CHAIRWOMAN FORRESTER: Discussion? All those in favor of the motion say aye? Opposed say nay? The ayes have it.

******* {MOTION ADOPTED}

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CHAIRWOMAN FORRESTER: Thank you, Commissioner. Thank you, Gerard.

MS. QUIRAM: Thank you.

MR. MURPHY: Thank you.

CONSENT CALENDAR

(4) RSA 9:16-c, I, Transfer of Federal Grant Funds:

CHAIRWOMAN FORRESTER: Going to move to the Consent Calendar. Tab number (5). Excuse me. But we have a Tab (4).

REP. WEYLER: It's got two items.

REP. OBER: Two items in (4).

CHAIRWOMAN FORRESTER: Right. You all set? All right. So we are going to take them tab by tab. Move we accept the Consent Calendar. Do we have to make a motion to accept that (4)?

REP. WEYLER: Not if we are going to do them one at a time.

CHAIRWOMAN FORRESTER: So I would like to do it one item at a time because as we move forward on these Consent Calendar items, tab by tab, we are going to remove items for discussion. So let's just take it tab by tab. I'll accept a motion to -

****** REP. OBER: I would move to approve Items 15-256 and 15-277 under Tab (4).

SEN. PRESIDENT MORSE: Second.

CHAIRWOMAN FORRESTER: The motion and a second. Did you get that?

REP. WEYLER: Who was the second?

SEN. D'ALLESANDRO: Morse, Senator Morse.

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REP. WEYLER: Thank you.

CHAIRWOMAN FORRESTER: Discussion? All those in favor say aye? Opposed say nay? The ayes have it.

*** {MOTION ADOPTED}

(5) **RSA 14:30-a, VI Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 for Any Non-State Source:**

CHAIRWOMAN FORRESTER: Moving to Tab number (5). I understand there are some items that want to be -- that are going to be removed from the Consent Calendar. Senator Little.

SEN. LITTLE: Yes. Madam Chair, I would request to remove under Tab (5) Items 15-232, 15-235, 15-238, 15-248, and 15-258.

REP. OBER: Second.

CHAIRWOMAN FORRESTER: All those in favor say aye? Opposed say nay? The ayes have it.

*** {MOTION ADOPTED}

CHAIRWOMAN FORRESTER: And do we need that motion to --

REP. OBER: Accept.

CHAIRWOMAN FORRESTER: -- accept?

** REP. OBER: Madam Chairman, I would move to accept Items 15-230, 15-231, 15-233, 15-234, 15-236, 15-237, 15-238, 15-250.

SEN. LITTLE: No.

REP. OBER: Not 38? Did you take 38 off?

SEN. LITTLE: Yes, please.

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REP. OBER: My apologies. 15-255.

SEN. SANBORN: 246.

REP. OBER: 15-246, 15-259.

REP. WEYLER: 259.

REP. OBER: I already said 255, Ken.

REP. WEYLER: Okay.

REP. OBER: 15-262, 15-264, and finally, 15-272.

CHAIRWOMAN FORRESTER: Do I have a second?

SEN. LITTLE: Second.

CHAIRWOMAN FORRESTER: All those in favor say aye? Opposed say nay? The ayes have it.

***** (MOTION ADOPTED)**

CHAIRWOMAN FORRESTER: So the first one on the Consent Calendar that we are going to take up is Item 15-232. I believe there are questions on this or we just want to have a discussion? Commissioner -- this is Justice. Good morning.

ANN RICE, Deputy Attorney General, Attorney General's Office, Department of Justice: Good morning. Ann Rice from the Department of Justice, and Kathy Carr is our Director of Administration.

CHAIRWOMAN FORRESTER: I think as we move forward today anything that has to do with substance abuse spending we are going to want to have a discussion just to highlight the spending that's happening and what the programs are that we're moving forward with. So if you would like to just briefly explain what this is and open up for any questions.

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MS. RICE: Sure. The reason that it's back before the Commission or, excuse me, before the Committee is this was one of the Continuing Resolution issues. Is this on?

REP. EATON: I don't think so.

REP. OBER: Push the switch towards us.

MS. RICE: How's that?

REP. EATON: Better.

MS. RICE: We brought this back for an extension because we could only get the authorization through December because of the Continuing Resolution.

The Swift and Certain Sanctions Program is a high-intensity program for people who are on probation and violate either because of substance abuse or mental health issues. And there is a very quick turnaround in the court system where they get treatment and/or incarceration for very short time periods. This is an evidence-based program that we are -- that is being expanded throughout the nation, but the idea is that people who are in the justice system and who are out in the community and violate whatever the conditions are, that they get a very quick consequence for it, which proves to be a better learning tool than long-term incarceration.

CHAIRWOMAN FORRESTER: Questions. Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Ladies, thank you for coming in. We heard a lot recently about drug courts, about diversion, and now I see this program. Can you help me understand the difference between the three of them or is this just a State-run diversion program versus a county-run diversion program?

MS. RICE: Well, the drug courts are an alternative to actually going through the criminal justice system. It's a much

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more intense program. This Swift and Certain Sanctions is someone who is out on parole, isn't necessarily -- parole or probation -- isn't necessarily going through all of the very intense meetings and weekly meetings or whatever that the Court requires under the drug court program. But if they are violating, it requires that there be an immediate respond to it. So it is -- as I understand, it is less -- it's a dealing with a different population. So people who are not through the year and a half or two-year drug court program, but don't need quite that level of supervision, but do need close supervision.

SEN. SANBORN: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: So how different -- so I understand how it's different from drug court. How different is it from the county diversion program, do you know?

MS. RICE: The diversion program, as I understand, diversion is typically before someone goes into the criminal justice system or a way to divert from. This is someone who's actually been through the criminal justice system and is on probation or parole. So it's in a different stage of the criminal justice proceeding.

SEN. SANBORN: Thank you, ma'am. Thank you, Chair.

CHAIRWOMAN FORRESTER: Other questions?

****** SEN. D'ALLESANDRO: Move the item.

REP. OBER: Second.

CHAIRWOMAN FORRESTER: Seconded by Representative Ober. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

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CHAIRWOMAN FORRESTER: Thank you. Next Item is 15-235 under Safety. Good morning.

KYRA LEONARD, Administrator, Department of Safety: Good morning.

CHAIRWOMAN FORRESTER: If you'd like to introduce yourself.

MS. LEONARD: My name is Kyra Leonard, and I'm an Administrator for the Department of Safety.

CHAIRWOMAN FORRESTER: Thank you for coming in. If you could just briefly explain this program to the Committee.

MS. LEONARD: Actually then -- we have to find the Colonel.

COLONEL ROBERT QUINN, Division of State Police, Department of Motor Vehicle: Good morning.

CHAIRWOMAN FORRESTER: Good morning. I think we have some questions, but if you wanted to just present the program.

COLONEL QUINN: Oh, Operation Safe Commute. Operation Safe Commute is a program that has been ongoing for several years, and it's a program that we work with the local agencies. And what it does is it allows us to assign Troopers and officers to work on commuting hours, you know, more dangerous hours, work together and strictly enforce motor vehicle laws; speeding, following too close, reckless driving, you know, et cetera. So why has it been successful? It's been successful -- when we first started it, many would say that we're not seeing officers on the road, we are not seeing Troopers on the road, and especially during the day, you know, many can be called to court or for, you know, covering crashes. They just didn't have the ability to just stay focused on the enforcement of the motor vehicle. So we -- we tailored Operation Safe Commute. We continue to run it at different times. Sometimes it's in the morning. Sometimes it's in the evening.

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When you look at the fatalities and we are looking at our weekly fatal report, we can tell you, we can see when people are dying, what are the more dangerous times and that's why we're focusing these officers. And it has been quite successful. And, again, when they go out there, that's their mission is to go out there and enforce traffic laws, write tickets. They don't get called or distracted away for other missions or duties.

CHAIRWOMAN FORRESTER: Thank you, Colonel. Questions?
Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Colonel, thank you so much. I appreciate it. Help me 'cause I'm struggling a little bit with this. And I don't want to sound caustic but my struggle is we're going to spend money to pay Troopers time and a half to sit on the side of the road to, hopefully, show people to drive safe. Isn't there some way if we have an opioid problem that is as bad as it is today that our money would be better spent doing something active with all these issues we have been talking about with the drug court versus following too close, speeding? To me, I guess, my thought about people driving safe with an officer when they're driving by in the morning compared taking the money to use it for something that we could help get drugs off the street or do some higher level enforcement. You know what I'm saying?

COLONEL QUINN: Sure, that's a good question. I believe these are Highway Safety dollars. So Highway Safety dollars are aimed at highway safety. And we do have other highway safety initiatives like the DRE, the Drug Recognition Experts. We do the DWI and the DRE patrols. So these dollars actually could not be used for the, you know, the covert operations and whatnot.

SEN. SANBORN: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: So we do DRE patrols with the same source of funds as this source of funds?

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COLONEL QUINN: Yes.

SEN. SANBORN: But we're still prohibited from using them for enhanced DRE work?

MS. LEONARD: Well, when it comes from the Highway Safety Agency, they get different types of grants. So this is a type of grant for traffic enforcement. Oh, sorry. This is a type of grant for traffic enforcement, whereas we received other -- we received other grants for like alcohol work and drug work.

COLONEL QUINN: Like Click it or ticket, seat belt, they come in in different venues, different grant identities.

SEN. SANBORN: Thank you, sir.

COLONEL QUINN: Thank you.

CHAIRWOMAN FORRESTER: Representative Ober.

REP. OBER: Thank you, Madam Chairman. This request adds thirty thousand dollars and nine and change but approximately \$30,000 to the overtime line moving that to \$99,387. How many overtime hours does that reflect?

MS. LEONARD: That reflects -- I believe it's in the item. 1,344.

REP. OBER: 1,344. May I have a follow-up?

CHAIRWOMAN FORRESTER: Yes.

REP. OBER: Is there an overtime policy that requires that those overtime hours be equally given to new Troopers, Troopers who have been around awhile? How do you do that? I am concerned about Trooper fatigue, Colonel Quinn, and we've had this conversation before.

COLONEL QUINN: Sure.

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REP. OBER: So you're not surprised.

COLONEL QUINN: No, that's a very good question. And if I may, it's -- it's rather complicated when you look at overtime. Because -- so I'll try and answer the questions one at a time. When you look at these hours, Operation Safe Commute, when you take the total, 1,334, and those are run at six-hour details, so when you divide that by six you get the total number of details, and then divide that by seven, which is seven troops that we have, so we want to spread these details -- these highway safety details equally across from the North Country, Troop F, down to the southern tier of the state. I believe that comes to approximately 30-some odd a Troop which that that's the total for the entire year for just Operation Safe Commute. So you have to look at it spread out. Now on those particular details, those are assigned through the Troop. So when you look at overtime, overtime sometimes we have anticipated overtime, which would be something that you could put in for which is voluntary. Or we have unanticipated overtime, like if you had a crash at the end of the shift or an arrest at the end of the shift. So we have anticipated or voluntary or unanticipated overtime. But what's important to note, Representative, is we do have a -- we do have a policy. We do have a policy which requires Troopers on the voluntary overtime that they can only work a certain amount of hours on their days, a certain amount of hours on their days off, and have a set amount of hours in-between their shifts to ensure that they are fit.

REP. OBER: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

REP. OBER: But my question was, does your policy ensure that those hours are distributed from the newer Troopers through the older Troopers and not just concentrated with the older Troopers who are getting ready to retire?

COLONEL QUINN: It does. And what we do is we have on our -- on our -- on our construction details, so they have a list and they follow the list. And someone who has the most

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hours would be at the bottom of the list. And someone who has the least hours would be at the top of the list.

REP. OBER: Could I ask if Colonel Quinn get that to Mr. Kane and he distributes the policy to all of us so we can see it?

CHAIRWOMAN FORRESTER: Yes, please.

REP. OBER: Thank you.

CHAIRWOMAN FORRESTER: Other questions? Accept a motion.

****** SEN. D'ALLESANDRO: Move the item.

CHAIRWOMAN FORRESTER: Got a second?

SEN. PRESIDENT MORSE: Second.

CHAIRWOMAN FORRESTER: Seconded by Senator Morse.

SEN. D'ALLESANDRO: Yes.

CHAIRWOMAN FORRESTER: Senator Morse. All those in favor say aye? Opposed say nay? We have one opposed, Senator Sanborn. Thank you, Colonel.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Thank you. Next item is 15-238. This is Safety and looks like there's a question on the mini fire pumper.

SEN. PRESIDENT MORSE: Could I just ask one question to that group of questions that you asked? On these funds that we're bringing up, how much has been expended to date? If we could just bring that forward as they come up.

CHAIRWOMAN FORRESTER: Oh, good question. Okay.

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MS. LEONARD: What is the question?

CHAIRWOMAN FORRESTER: Senator Morse asked as you're presenting, if you could highlight how much has been expended to date; is that correct? That what you wanted to know?

SEN. PRESIDENT MORSE: Hm-hum.

MS. LEONARD: So extended to date from the mini pumper grant?

SEN. PRESIDENT MORSE: That's not just Safety. And trust me, with Safety we just moved that Highway Safety into you. So it's a different animal. I'm trying to make sure that the budget is being spent. We're hearing in certain categories that things aren't getting done, you know, and like New Hampshire Hospital. And we talked to the Commissioner and we figured out why. I'm not sure it's a good excuse right now, because we need the beds. But we'd like to know as we go along here is the money being spent and is it getting out to the public, especially when it's grants that are going back to our community?

MS. LEONARD: Okay. Well, you can speak about the status of the mini pumper. Kyra Leonard.

CHAIRWOMAN FORRESTER: Well, I believe -- was there a question on that? Representative Ober.

REP. OBER: Thank you, Madam Chairman. This grant came to us in a previous meeting, and it had the mini pumper, but it also had some new staff in it under the Continuing Resolution. And at that time because of the new staff in the grant, I wanted to table the motion, to table the grant request.

We were told that we had to pass it and you had to spend the money before the end of the Fiscal Year. You needed to do it before the end of December, and now you're back to extend the date. This is reminding me a little bit of the parable of the boy who cried wolf because we took you at your word, and we passed the grant that you were going to get the mini pumper

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right then and you would be done by the end of December and you had to have it because you had to spend the money.

MS. LEONARD: Yes. Okay. So on this grant there's multiple pieces to it. So we needed the funds for the mini pumper in order to purchase it which we since have. But then there's other aspects to it as well. The ambulance, the mannequins, cameras, I believe. So we still need to procure those items. So that's also part of this grant. And in order -- we've expended the funds for the mini pumper. So in order to maintain the appropriations in this account through the end of the Fiscal Year so it doesn't make the account go negative, we need to maintain those appropriations to the end of the Fiscal Year.

REP. OBER: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

REP. OBER: I'm on Line 5 in the first paragraph on the first page of the explanation that you submitted. And it says quite distinctly for the purpose of purchasing vehicles. Was that an error because the vehicle has already been purchased?

MS. LEONARD: We are also purchasing an ambulance as well.

REP. OBER: And that's new?

MS. LEONARD: That, I believe, was in the original item.

REP. OBER: That's what I thought. So back to my original question.

MS. LEONARD: They're two different grants. The one grant was for the mini pumper and then another grant was for EMS and it was for the ambulance and I believe the manikins.

REP. OBER: But we were told that you had to have this and have it done by the end of December, and now you're asking for an extension for the same reason. That just isn't making any sense to me whether you divided into mini grants now that you're

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saying? I mean, this is your explanation that you wrote. I didn't make this up. I didn't write it for you.

MS. LEONARD: Yes. So the issue also it being have to extend the appropriations to maintain them in the account because if I have to remove the appropriations for the -- for the mini pumper, then it makes the account go negative. And I've already expended the funds for the mini pumper. So I just need -- it was because of the Continuing Resolution. I could only do it to a certain point in the Fiscal Year. And now I'm extending it to the end of the Fiscal Year to maintain those appropriations for the purchases that we made and are going to be making for the ambulance and the manikins.

CHAIRWOMAN FORRESTER: You all set?

REP. OBER: I'm fine. I'll vote no on this.

CHAIRWOMAN FORRESTER: Other questions?

****** REP. EATON: Move it.

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Second by Senator D'Allesandro. All those in favor say aye? Opposed say nay?

REP. OBER: Nay.

REP. WEYLER: Nay.

CHAIRWOMAN FORRESTER: The ayes have it.

******* **{MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Next item is 15 -- thank you. The next item is 15-248 under Justice. Good morning again.

MS. RICE: Good morning again.

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CHAIRWOMAN FORRESTER: And if you could just respond to Senator Morse's question about amount expended so far.

MS. RICE: Amount expended so far on this grant?

CHAIRWOMAN FORRESTER: Yes.

MS. RICE: We haven't spent any money.

CHAIRWOMAN FORRESTER: Okay.

MS. CARR: We are asking to.

MS. RICE: This is not an extension. This is a new grant.

CHAIRWOMAN FORRESTER: All right. Questions?

REP. OBER: Madam Chair.

CHAIRWOMAN FORRESTER: Senator Sanborn and then Representative Ober.

SEN. SANBORN: Thank you. Again, ladies, thank you for coming up. You know, with the Task Force we have been having a lot of conversations about the PDMP system and our need to update and modernize it, and I think there's a request today that the Joint Task Force for Drug and Opioids is considering for about \$130,000. So does this five -- will this \$500,000 grant if approved by this Committee supplant the 130 being asked or is it in addition to the 500 we have in front of us today? And knowing that we have one full-time equivalent working over there who's doing just a phenomenal job just implementing it and then trying to keep up with all the members on the Task Force, I'm trying to understand. You know, we've got a -- we thought \$130,000 would update the system, give us faster service, allow for either comprehensive checks or universal checks and do everything we needed to do. So what's the 500,000 for?

MS. RICE: This is really a maintenance grant so it's to pay for salaries. It pays for the ongoing support from the provider

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of the software. There is about \$100,000 that is in this grant that is slated for training and evaluation. The Feds have said that they would like to see the State use some of this money for training. That hundred thousand is about -- that's probably the flexible area of the grant right now. All of the other pieces are really one -- they're non-negotiable. But there is some money that we could use for other things. But this would not be sufficient to do the enhancements that we're talking about or the Opioid Task Force has heard about because that's really a substantial expansion of the PDMP.

So this would -- there is a need for additional funds. I think we recognize that there is some flexibility in this, as I said, the hundred thousand. Whatever we do with that, we will need to get Federal Government approval for. So there may be some flexibility in using some of that for the enhancements that the Opioid Task Force is considering but that is not sufficient.

SEN. SANBORN: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: Thank you. So my understanding is that Michelle herself is doing the training. So this -- is this looking to bring on other staff?

MS. RICE: Yes.

SEN. SANBORN: Obviously, we are paying salary for training so if there's another \$100,000 for training.

MS. RICE: In reality, Michelle is doing that and --

MS. CARR: No, she's not.

MS. RICE: She's doing -- she's the only staff person right now. And I think it's sufficient to say she does not have a sufficient time to be able to do the training and do all of the other things that she needs to do. So there is a need for additional staff and that would be -- and then the training.

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But, as I said, the -- those training dollars, the 50,000 is flexible.

SEN. SANBORN: Madam Chair, after Representative Ober asks questions, I see Michelle here. I'd like to ask her a question if you want.

CHAIRWOMAN FORRESTER: Sure. Representative Ober.

REP. OBER: Thank you. My question goes along with yours, Senator. And when I read this, you specifically said Prescription Drug Monitoring Program. We have been talking to Michelle about software system enhancements for the software that runs this. But this grant is a little broader than just enhancing the software, I believe. Is that where we're trying to draw that distinction?

MS. RICE: Yes.

REP. OBER: And Michelle can maybe chime in as well.

MS. RICE: The money to run the PDMP program comes from this grant as well. So it's the operations of the PDMP, in addition to some enhancements that need to be done for reporting purposes. It adds some modules to the program that will allow us to pull some information out of the program that we can't now. But the enhancements that have been talked about in front of the Opioid Task Force are broader than that. So I -- I'll let Michelle speak to that.

MICHELLE RICCO-JONAS, Program Manager, Prescription Drug Monitoring Program, Board of Pharmacy: Good morning. Michelle Ricco-Jonas, Prescription Drug Monitoring Program, its Program Manager.

So what's in front of you right now is the grant that was applied to the Bureau of Justice Administration through the Department of Justice and was awarded. New Hampshire was the only New England state to get the continuation funding in New England in this amount. So with that said, our proposal to BJA

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did include, again, it's a maintenance grant, it's for the continuation, but it also included we had to include enhancements and what we were going to do to enhance our projects in the State of New Hampshire.

With that being said, the enhancements really included how we were going to further evaluate and also the interstate operability, which was key. If we didn't have the availability in the State of New Hampshire to share data with other states, I don't think we would have gotten this funding. So one of the big key things in our budget is to be able to do interstate data sharing.

Senate Bill 31 which was passed in June allows us to do interstate data sharing. So within our budget it includes that enhancement. I shared that with the Task Force Committee. It's not a part of the \$130,000 that is being considered because that is being covered within the grant. I also shared that when I gave testimony earlier with the Task Force Committee that we are looking at evaluation.

With Senate Bill 31, we also now have the ability to share data. In order to do that, we have to build capacity to do that. It's been recognized already that this program has one staff person. It is myself at this point in time. This grant will also allow us to move from a part-time staff person that has been funded historically but just not has come to fruition for a number of different reasons. But what our real need is a full-time staff person, which I'll talk about later. I'm also on the docket for that.

So this funding will allow us to have a full-time staff person. That staff person really is an assistant and it still does not provide us the capacity for evaluation. So the funding that is in this budget will give us the ability to work with partnerships, not hire an analyst, so to speak, because we can't really afford an analysts but we can partner with entities in the state that have that capability and utilize their expertise, but to assist us in analyzing data to better get reports out to the Legislature and to our public health partners as we look

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another what we need to find out from the information with the prescription drug monitoring data.

As far as the training monies that we put aside in here, and I believe I address this a lot, no matter what enhancements we put in place with the Prescription Drug Monitoring Program, whether we make it faster, whether we make it easier, it is really going to come down to the training of the practitioners who are going to be utilizing the system. One of our -- in working with the Advisory Council, we identified a number of things that we want to do. We want to do an on-line training of the Prescription Drug Monitoring Program. So not knowing the funds that it will take to do that and recording, setting up this on-line training, we have already have had conversations with AHEC to allow us to host that. Again, we are exploring what those costs are going to be. So even though I agree there may be some flexibility with some of those monies, we are still not quite sure how much that on-line training is going to cost us. So that is a placeholder for training, which I feel is incredibly important, because as we make these expansions available, as we want to increase utilization of the practitioners because of the mandates that may be coming forward, the education piece is very critical.

We do have some funding in place that we did hold out for database enhancement which was about \$20,000. I also provided that in testimony. One of the enhancements that is being considered by the Task Force is updating data from weekly to daily upload. I offered to the Task Force that to not include that in the \$130,000, that this grant would be able to cover that enhancement. And so that was not included in the 130,000. So there is a spreadsheet. And I don't -- I apologize, I didn't have copies for everybody here on the Fiscal Committee. I believe it is uploaded on the Task Force website that does show what the 130,000 is being considered for. We are working on that Fiscal Note. It may be -- it may be less. It just depends as we work out the Fiscal Note worksheet in more detail for the Task Force Committee.

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CHAIRWOMAN FORRESTER: Thank you. Senator Sanborn, do you still have a question?

SEN. SANBORN: Yes, please. Thank you, Madam Chair. Michelle, thanks, and again, for the public record you're doing huge amounts of work all by yourself and we truly appreciate it. I still need to be cautious of people's money.

MS. RICCO-JONAS: Absolutely.

SEN. SANBORN: I see that we pass this provided base salary and get the system running for just under 300,000, when I see a \$500,000 grant coming in just for enhancements to it, it kind of makes me nervous, right, because you think we'd be buying it all upfront, and we are a year into a program and I see a \$500,000 grant to make further enhancements to it.

MS. RICCO-JONAS: Hm-hum.

SEN. SANBORN: And it just makes me cautious, makes me cautious.

MS. RICCO-JONAS: Well, the enhancements, again, were in place for the interstate operability, the education piece that we're needing to do and this was before all the Task Force stuff happened. This was before mandated use happened. So with that in mind, these enhancements were in place knowing we were trying to move the program forward and progressing it as it existed prior to all of the conversation we've had over the last several weeks with the additional enhancements that we have been talking about.

SEN. SANBORN: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: So maybe I just got confused. Are you implying that the enhancement from this grant --

MS. RICCO-JONAS: Hm-hum.

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SEN. SANBORN: -- going to mandatory use which we don't have today.

MS. RICCO-JONAS: Correct.

SEN. SANBORN: Going to daily check which we don't have today.

MS. RICCO-JONAS: Correct.

SEN. SANBORN: Were already in play with this grant before the Task Force started?

MS. RICCO-JONAS: No, no. Mandatory use was not part of this enhancement nor was going from weekly to daily.

SEN. SANBORN: Okay. Thank you.

REP. OBER: Move the item. Oh, I'm sorry.

CHAIRWOMAN FORRESTER: Senator Little.

SEN. LITTLE: Thank you very much. My question is for the Department of Justice. When I read this first question I asked myself is how will this be used? And I'm really unable to tell from this submission how the money would be used. I'm glad Michelle is here to explain it to us today because now that I hear all of that I see that this is extremely important money for us to spend and I look forward to supporting it. But Tuesday morning before the Drug Task Force Mr. Kelleher from Harbor Homes was asked what do you see as one of the biggest problems facing the State of New Hampshire in its efforts to address substance abuse and he said ambiguity, confusion, fracturing. We don't know -- we don't have coordination. And then we see a half million dollars coming in and I agree, it's the right way to spend a half million dollars, but I don't see how we were supposed to understand that the money will go to what, tells us what the money will be used for? I see in the lead paragraph it's for the PDMP, but some details as to what you're doing with

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the money, I think, would go a long way to dispel some of the ambiguity and confusion and the reason why we've pulled many of these Substance Use Disorder funds off the Consent Calendar today is so that we can have a conversation in public about how much is actually being focused on the problem. So it's great to get the half million dollars. It would be wonderful to have a really clear picture in these submissions as to what we are going to do with the money.

MS. RICE: That suggestion is well-taken.

SEN. LITTLE: Thank you.

MS. RICE: Thank you.

****** REP. OBER: I move the item, Madam Chair.

SEN. SANBORN: Second.

CHAIRWOMAN FORRESTER: Second by Senator Sanborn. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Last item.

REP. EATON: Stay put, Ann.

CHAIRWOMAN FORRESTER: This is DHHS.

REP. EATON: Oh, sorry. I --

MS. RICCO-JONAS: I didn't think I was next.

CHAIRWOMAN FORRESTER: The next item is 15-258, the Department of Health and Human Services, another substance abuse grant funding.

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NICHOLAS TOUMPAS, Commissioner, Department of Health and Human Services: Good morning, Madam Chair. For the record, Nick Toumpas, Commissioner of Health and Human Services.

CHAIRWOMAN FORRESTER: Thank you for coming in, Commissioner. Questions for Commissioner Toumpas? I know this is a new item. If you want to just briefly explain it to us, Commissioner.

MR. TOUMPAS: This item is to accept and expend money for the continuation of the Syndromic Surveillance System which we've had in place for a number of years. What this system does is collect data from the emergency rooms on issues that the emergency rooms are dealing with. So it gives us an early indication. So, for example, if there's a rash of individuals that are showing up with a gastrointestinal issue, we know there may be an outbreak someplace that we can early respond.

These monies, it's a continuation of a system that we've had. So this is not -- it is new money over the next several years and it's being used to enhance the system to upgrade the system from a -- on a technical level for doing that, as well as to basically start gathering some data from some of the urgent care centers that are springing up across the state. I think it was more as an oh, by the way, with the reference to heroin here is when somebody does show up in the emergency room and so forth, that would be there. But this Syndromic Surveillance is really around a public health threat. Clearly, there's a threat to public health, but it's not an infectious disease related -- related to the heroin use. What this does, potentially, for us and these are new monies, so we have -- we have existing dollars that we've been using but these are incremental dollars. So these have not yet been spent. They would be used for some contracting for the changes that were needed to be made to the system. But as we start gathering data, and using it with -- gathering the information related to heroin use, it may well pinpoint where some of the issues are, where people are having those overdoses and we are getting that earlier information that we can then work with law enforcement and others in terms of dealing with that.

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CHAIRWOMAN FORRESTER: Thank you, Commissioner. Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Commissioner, thanks for coming in.

MR. TOUMPAS: Pleasure.

SEN. SANBORN: Sad that this is the last time I get to sit and talk to you in front of Fiscal. That being said, I've been talking to the Drug Task Force and we'll probably have legislation in to essentially create a Dash Board relative to the opioid crisis which, I think, is very important for us to try to answer the question, do we have our hands around it and are we winning the battle or losing the battle. Will these funds provide me the ability to assimilate the data from hospitals of how many people are showing up to medical facilities with heroin problems or overdoses or something we can track?

MR. TOUMPAS: What this will do is that will just be another condition that we'll be gathering the data on. So the short answer to that is yes, but we are already collecting the data. These dollars are being used to enhance the system to basically deal with some other areas, such as the urgent care centers. But the short answer, again, Senator, is yes, with the things that are reported by through the emergency rooms, we will gather that data and then be able to share that with others within the Department, as well as with Safety and other areas in order to better target what we are going to be able to do in order to respond to the crisis.

SEN. SANBORN: Thank you, sir. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Other questions? Accept a motion.

** SEN. D'ALLESANDRO: Move the item.

SEN. LITTLE: Second.

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CHAIRWOMAN FORRESTER: Who seconded?

SEN. LITTLE: Senator Little.

CHAIRWOMAN FORRESTER: All right.

REP. WEYLER: Who made the motion?

CHAIRWOMAN FORRESTER: Senator D'Allesandro.

REP. WEYLER: Thank you.

CHAIRWOMAN FORRESTER: Okay. All those in favor say aye? Opposed say nay? The ayes have it. Thank you, Commissioner.

***** {MOTION ADOPTED}**

- (6) **RSA 14:30-a, VI Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 from Any Non-State Source and RSA 124:15, Positions Authorized:**

CHAIRWOMAN FORRESTER: We are done with Tab (5). We are moving on to Tab (6). I'll accept a motion from Senator Little.

SEN. LITTLE: Under Tab (6) I would like to remove the following items from the Consent Calendar.

CHAIRWOMAN FORRESTER: You just want to move slow so Representative Weyler can get it.

SEN. LITTLE: Yes, ma'am.

CHAIRWOMAN FORRESTER: Thank you.

****** SEN. LITTLE: Item 15-239, Item 15-240, Item 15-249, Item 15-263, Item 15-265, and Item 15-273.

CHAIRWOMAN FORRESTER: Do I have a second?

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SEN. SANBORN: Second.

CHAIRWOMAN FORRESTER: All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Accept a motion to move the rest of the Consent Calendar.

****** SEN. D'ALLESANDRO: So made.

SEN. SANBORN: Second.

CHAIRWOMAN FORRESTER: All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: So back on the Consent Calendar. We are going to take up 15-239. This is a Department of Environmental Services item. Good morning.

SUSAN CARLSON, Chief Operations Officer, Department of Environmental Services: Good morning. For the record, my name is Susan Carlson. Next to me is Mike Wimsatt, Director of the Waste Management Division.

CHAIRWOMAN FORRESTER: Thank you for coming in. There are a couple of questions, I believe. Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Both of you, thank you so much for coming in. I do appreciate it. You know, I've got -- I'm beginning to have just concerns of a lack of knowledge as Senator Little had mentioned earlier that I feel for some of these large expenses that we are seeing around the state. As part of the Fiscal Committee we maybe like some more information. You know, when we talk about the MtBE issue and how much is being expended, knowing the sum was around seventy and could be as high as \$300 million. And, obviously, Senator Morse

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had indicated the same thing. We are trying to get an understanding what the spend is around the state today. So could you update the Committee a little bit about how much has been spent, where you're spending it, what your plans are to spend it and timing, stuff like that.

MICHAEL WIMSATT, Director, Waste Management Division, Department of Environmental Services: Sure, and thank you for the question, Senator. To date, just for reference, the total corpus of the settlement funds that came to the State for implementation of a work plan to address the MtBE problem in the state was \$81 million. And, to date, we have expended approximately 5.8 million of that -- of those funds.

We've been at this now for actually a little less than two years, took some time to set up the program, get people in the seats and get work under way. We basically have four key elements that we work on in MtBE. We work on investigation, remediation of MtBE contaminated sites. We work on groundwater sampling to be sure the people aren't drinking water contaminated with MtBE. We work on some prevention efforts to get the old tanks out of the ground and make sure there's no more gasoline left with MtBE that might be contaminating groundwater in the state. And then we have a program for enhancing drinking water and for infrastructure in our communities across the state that may have been impacted by MtBE contamination. And the \$5.8 million to date that has been spent is a -- roughly a portion equally among those four key elements.

If you were to look at, you know, how the money's been spent, I think what you'll see is our prevention efforts kind of have a deadline on them in the sense because MtBE has been banned from gasoline for almost ten years now. So we got some old tanks in the ground, believe it or not, still have some MtBE in them, and we are working very hard over the past year and probably the next six months or so get those tanks out of the ground. But after that, the prevention piece other than working with some salvage yards that also tend to have old gasoline around and will kind of tail off and we'll see increased expenditures in the area of site clean-up and, in particular,

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infrastructure improvements where we basically do feasibility studies and then do work to actually provide funding to communities to help them expand or improve their drinking water systems to ensure that all the parties -- all the people on the system and any new parties who need to be brought into it are drinking safe, clean drinking water.

SEN. SANBORN: Thank you, sir. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Other questions? Move?

** REP. OBER: Move to approve.

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Motion made by Representative Ober, seconded by Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

CHAIRWOMAN FORRESTER: All those in favor say aye? Opposed say nay? The ayes have it.

*** **{MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Moving on to item -- thank you -- moving on to Item 15-240, Department of Health and Human Services, Substance Abuse Grant funding.

MR. TOUMPAS: Good morning, again.

CHAIRWOMAN FORRESTER: Thank you, Commissioner. This is new money.

MR. TOUMPAS: This is, yes. We received the award for this in the July time frame, middle of July. And its focus -- its focus is on mental health. We believe there's a gap in some of the services dealing with young people. There's a number of efforts that are aimed at kids, and that was pointed out in the Task Force around greater prevention, outreach, education

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services for children. That was specifically highlighted in the interim report. This is really focused on mental health and focused on this transitional population, the ones up to age 25. It's kind of a fragmented system. What this is really designed to do is to do an overall plan in that area and, again, it's primary focus is on mental health, with the co-occurring Substance Use Disorder for these kids. And it is new money. We have not -- we have not expended. This is an accept and expend. There would be a subsequent contract that would be done that would need to be approved by the Governor and Executive Council. It also does establish a position to monitor and oversee the -- oversee the effort.

CHAIRWOMAN FORRESTER: Thank you. Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Nick, thank you again for coming up. You know, as all of us as legislators continue to hear people's frustration that we might not be doing enough fast enough to get our arms around the opioid issue, this is one of what I think is going to be nine separate issues that coming before this Committee today, given specifically we're dealing inclusively of our opioid challenges. Is it possible at some point that you or someone could update this Committee and, frankly, the Legislature of all of the programs you have and the spend we have been putting in so far? At some level I think we are trying to do so much so hard, so fast. Like you said, there's a level of misjoinder that, I think, is happening at this point because everyone is trying to do the right thing. But we're, you know, investing so much money to get our hands around it so quickly, nine times in one day, clearly shows we are trying to do something. I'm just a little concerned if we're being a little disjointed.

MR. TOUMPAS: It's a good point. Upstairs right now is the Governor's Commission on Alcohol and that is going on right now. And part of the -- part of the document that we have created there, and I can easily send that to the Chair for distribution to the Committee, are assembling all the dollars that we have, the dollars that were given through the -- through the General Fund, through the Alcohol Fund, through the Block Grants that we

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have, as well as the recent SAMHSA Grants that we received. It's all tabulated in terms of what it is for '16 and '17, and what areas that those areas are focused on. So there's -- it's a spreadsheet, a four-page spreadsheet that looks at it for both '16 and '17. I can easily send that. That will give you at least from a number standpoint and where those dollars are really focused. But it's all part of the planning work that's being done by the Governor's Commission. And that's really broadly around substance abuse issues as well as the opioid. Because, again, while there's a lot of, and necessarily so, focus on the opioid crisis, the substance use issue related to alcohol and other drugs is very much with us. So something like this, while we know that a number of people will turn to some type of a substance to mask an underlying mental health issue and this -- this grant here is really to do some of the planning to try to bring greater cohesion in terms of how we are -- how we are dealing with that by, among other things, being able to early to identify somebody who is at risk in that area.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: Thank you, Madam Chair. So, for example, where I guess I'm concerned about and I'm not trying to be critical.

MR. TOUMPAS: Understand.

SEN. SANBORN: A lot of leaves up in the wind right now, that my understanding with the contract with MCOs that there is a per person, you know, per belly button charge, I think, of \$37 and some odd cents of the total amount paid to the MCOs, but 37 and change is specifically for substance abuse and that was new to me. And I think that's worth about \$18½ million dollars. And that's one of those things when I get a report from LBA on it, it just kind of raised a question about if they're not spending it, which I don't think they are, where is it going and how is it being utilized, and how is it complimenting? I've seen the reports from the Governor's Commission and so I have the reports. I appreciate it. So, like I said, I'm beginning to see

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great commitment to solve the problem, resources being applied all over, a little concerned about the response.

MR. TOUMPAS: With respect to the Managed Care Organizations, Managed Care Organizations are dealing with Medicaid. This -- first off, this is going beyond Medicaid. Managed Care Organizations are dealing with Medicaid and Medicaid does not have a substance use disorder benefit at this point. So I'll go back and check.

SEN. SANBORN: Medicaid Expansion.

MR. TOUMPAS: Medicaid Expansion, what we are doing there is, you know, for that population there is a substance abuse disorder benefit. We will be providing information to the Legislature in terms of what the take rate is on that. But, again, a number of the services that were specifically done through the Health Protection Program of the Legislature through Senate Bill 413 requires to pay against Medicare base rates. So it's really we're telling the MCOs what to pay the hospitals and the other providers on that.

SEN. SANBORN: Thank you, sir. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Other questions.

REP. BARRY: Could I, Madam Chair?

CHAIRWOMAN FORRESTER: Representative Barry.

REP. BARRY: Thank you, Madam Chair, and thank you, sir, for coming in. Top of Page 3 on your letter indicates that this money is going to be used to create a strategic plan. Does that imply that we don't have one in place today?

MR. TOUMPAS: Again, we are targeting -- yes, it does. What it does, again, it's targeting a certain segment of the population, this transitional youth, and you see in that top of Page 3, Representative Barry, where, you know, the -- the populations that we are really targeting. And, again, our number

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of -- there are a number of initiatives that we have and it really makes sense to step back and take a look at it from a more strategic and more integrated way to look at how we are going -- how we are going to address this. And, again, if we don't, there are other things that are going on right now. This isn't looking at creating a whole new infrastructure. What it's doing is pointing out the gaps and where we might be able to better work together with other areas. This is children's behavioral health collaborative, Some of the other -- what the Governor's Commission is doing and so forth. So it really is looking at it and coming up with a more strategic plan for this target population.

REP. BARRY: Follow-up, please.

CHAIRWOMAN FORRESTER: Follow-up.

REP. BARRY: Follow-up. Thank you for the follow-up. Who's in charge of the strategic plan of implementing it?

MR. TOUMPAS: That would be out of the Department in order to do that working with a number of different stakeholders in the community.

REP. BARRY: Thank you.

CHAIRWOMAN FORRESTER: Further questions? Commissioner, I just -- as you know, the mental health settlement didn't address youth.

MR. TOUMPAS: That's correct.

CHAIRWOMAN FORRESTER: So I'm happy to see, I guess, in this grant there is some direction for mental health services for youth. But I'm curious, are you aware of any future grants that we will be getting relative to mental health for youth?

MR. TOUMPAS: There are.

CHAIRWOMAN FORRESTER: Are you working on that?

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MR. TOUMPAS: We are. We, as many of the Committee know, that we have been pursuing a Transformation Waiver, an 1115 Transformation Waiver that one of the members of my staff, Jeff Meyers, has really been focused on that. And one component of that, it's really the focus of the waiver is really around mental health, substance abuse, and the connection to a primary care or physical care. And one of the specific areas that we are highlighting on that is children, again, and it's a demonstration program. It's over a five-year period in order to look at a building some of the capacity and trying to drive greater integration around those three primary areas in building the capacity. It is a challenge right now with just -- just this morning the report that I got from the number of kids that are in the emergency rooms and hospitals across the state is 14 kids right now. There's 19 adults and 14 -- 14 kids that are sitting in the emergency room of a hospital because -- of the ERs because we can't get them into the New Hampshire Hospital.

CHAIRWOMAN FORRESTER: And thank you for that. And while I appreciate substance use and the epidemic that we are facing right now is important, sometimes I get concerned that we're forgetting about children and the mental health issues. So I hope and I guess I'm glad to hear that that hasn't fallen by the wayside and you're focusing on that issue.

MR. TOUMPAS: I can assure you, the Department of Health and Human Services from myself and everyone on my management team is very much focused on the issue of children's mental health. It is a critical, critical issue. 'Cause we if we don't deal with that, the kids as we all know, they will end up, there's a later item on the agenda about the Sununu Youth Services Center. There's other issues where kids end up if we don't fundamentally deal with the issue early on and effectively and in an integrated way. Not just looking at substance abuse. It's not looking at just mental health. It's not looking at primary care. You got to look at all three.

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CHAIRWOMAN FORRESTER: Thank you, Commissioner. Other questions? Commissioner, if you could give that spreadsheet to Mike Kane, then he can distribute to the Committee.

MR. TOUMPAS: I will do that.

CHAIRWOMAN FORRESTER: Okay. Thank you.

****** REP. OBER: Move to approve.

SEN. LITTLE: Second.

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Motion by Representative Ober, seconded by --

SEN. D'ALLESANDRO: Senator Little.

CHAIRWOMAN FORRESTER: Senator Little. All those in favor say aye? Opposed say nay? The ayes have it. Was there a nay?

REP. BARRY: Yes.

CHAIRWOMAN FORRESTER: Okay. One nay.

******* **{MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Next item on the agenda is 15-249, Safety. Have someone from Safety come up.

MS. LEONARD: Kyra Leonard, Administrator.

JOHN STEVENS, Statewide Interoperability Coordinator, Department of Safety: Good morning. John Stevens. I'm the Statewide Interoperability Coordinator for the Department of Safety.

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CHAIRWOMAN FORRESTER: Thank you for coming in. Representative Ober has a question.

REP. OBER: Thank you, Madam Chair. Mr. Stevens, I don't know as how you actually came this fall when we worked with Commissioner Barthelmes and Commissioner Goulet, both Commissioners wanted to move telecommunications out of Safety into DoIT. And I noticed that there are two grants here dealing with telecommunications. My question is if that LSR, which has now become a bill, passes as the two Commissioners requested, would this be a grant that would transition with the transition of the telecommunications over to DoIT?

MS. LEONARD: So this grant is actually not associated with statewide telecommunications, because that's just the phone system for the state. This is actually a different section that John could speak better about.

REP. OBER: Actually, it's more than the phone system because it's the wide area network, it's Voice Over IP, it's more than just the telephone system that we are transitioning at the request of the Commissioners, not something the Legislature dreamed up.

MS. LEONARD: Yes. And so this is -- this is a different section that John can speak a little bit about for you.

MR. STEVENS: I'm here basically to speak this morning about the NTIA Grant that was provided to the State of New Hampshire in regards to the development of the FirstNet System for New Hampshire. Phase I was the process in which we created the Statewide Inoperability Executive Committee and the governance that will oversee that operation. We are now moving into the Phase II portion of this grant which will now develop the data that will be relied upon for New Hampshire to build out their system. So, basically, from my position from where I sit, we're basically talking about interoperability throughout the State of New Hampshire that is involved with FirstNet.

CHAIRWOMAN FORRESTER: All set, Representative?

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REP. OBER: I think I'll let the Commissioners fight this out.

CHAIRWOMAN FORRESTER: Other questions?

****** REP. EATON: Move the item.

CHAIRWOMAN FORRESTER: I have a motion by Representative Eaton. Do I have a second?

SEN. SANBORN: Second.

CHAIRWOMAN FORRESTER: Seconded by Senator Sanborn. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Thank you.

MR. STEVENS: Thank you.

CHAIRWOMAN FORRESTER: Next item on the agenda is 15-263, Education. This is another item relative to substance abuse spending.

SHANTHI VENKATESAN, Executive Project Manager, Department of Education: Not exactly. First of all, just for the record, my name is Shanthi Venkatesan. I'm the CFO for the Department of Education. I have Richard Feistman who is the Education Consultant. He's the primary project manager for this grant.

The requisite action -- this item basically consists of two specific actions. One is to accept the funding and the second action is to request to establish a full-time education consultant position.

As far as the purpose of the grant, I'm going to turn it over to Richard to explain it to you.

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RICHARD FEISTMAN, Education Consultant, Department of Education: The purpose of this grant is actually to provide some wraparound services for teen fathers in the state. The goal is to mainly help them graduate, find some sort of living wage work experience and also have some family life education provided at the same time.

CHAIRWOMAN FORRESTER: Thank you. But it does, in reading the explanation, it does include mental health and substance abuse.

MR. FEISTMAN: Hm-hum. So there is one element in the family life education component, which is a smaller element of the grant. There will be -- every family education program I worked with we tend to have some element of support for that. It's also a wraparound service so we are going to make sure that these fathers have access to anything that's available to the State. We are trying to learn and find any stakeholder interest to join on this group. So the idea is that they will have access to whatever is available.

CHAIRWOMAN FORRESTER: Thank you. Questions. Representative Ober.

REP. OBER: Good to see you. Shanthi, I hear you're going to Hawaii shortly? That wasn't my question. But I hear you're going and if you are, congratulations on your move to a warmer state. Well timed to coincide with our winter.

On Page 2 you have the financial -- you just called this a full-time consultant position and yet I believe on Page 2 is actually a Class 59 full-time temporary position; is that not correct?

MS. VENKATESAN: As you can see in the first page, the second requested action, the title of the position is Education Consultant. So the Education Consultant is one of the classified positions within the State of New Hampshire's classification job titles. Because we are establishing this as a full-time temporary position, we are including that funding for the

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salary-related expenses in Class 59. So it is a full-time temporary position.

REP. OBER: Thank you. You also have under Class 80, out-of-state travel for the amount of 4500, 3,000 for the remaining of Fiscal Year 16, which is six months, but 1500 for the entire 12 months of '17. Why would we be sending a consultant out-of-state?

MR. FEISTMAN: That was actually required as part of the grant funding. The program director and program manager needs to attend a couple conferences in D.C. and so that's where that was required. That was actually part of the grant award.

REP. OBER: My last question, Madam Chairman.

CHAIRWOMAN FORRESTER: Yes.

REP. OBER: What is the impact at the local School District? Will they be asked to do work? Will they be asked to add staff? What is the impact there?

MR. FEISTMAN: So what's interesting about this program is we are working with the population that's already being served by the schools and, hopefully, everybody else that we are working with. They would not have to do anything additional. What we would do is each father would be an individual graduation compact would be created between the program manager and the superintendent. It's going to be a competency-based program where they're actually going to be working on a work site. So the School District will have a say in what's appropriate for graduation, but there will be no additional work. We will be doing the monitoring. We'll be doing the assessment of the fathers.

REP. OBER: I guess that wasn't my last one. How can you be involving the Superintendent but saying there's no additional work? Because the Superintendent is paid by the School District.

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MR. FEISTMAN: Hm-hum.

REP. OBER: Sounds like he has a part here.

MR. FEISTMAN: That's a fair point. What I was referring to is the graduation of these students is already an element that gets lost. These fathers tend to dropout. They're the first -- they dropout because they tend to want to earn money for their partners. And the task of ensuring these fathers graduate is already under the mission of the School District. But I suppose you're right. The meeting time with me will be a couple extra hour or so to develop the contract but I don't see it -- it's under the mission of what they're already doing.

REP. OBER: Thank you for the clarification.

MR. FEISTMAN: Hm-hum.

CHAIRWOMAN FORRESTER: Other questions?

REP. OBER: Representative Umberger, who's not here, had a question. She is an alternative for us. If you don't mind, I would ask her question. She wanted to know why this would not be incorporated into 2-1-1 as opposed to creating your own standalone telephone line? And when we were discussing this she pointed out that people think of 2-1-1 as a place to go.

MR. FEISTMAN: Hm-hum.

REP. OBER: But when you get too many individuals, this hot line for this and this hot line for that. So could you address that? I know she's listening at home, but I can also e-mail her.

MR. FEISTMAN: I thought that was a great idea. Actually, I think that's the direction we will go. This is still being created. We are trying to find stakeholders that are interested. So actually talk to 2-1-1 first, make sure that can work with them. Our backup was Stratford Community Action Partners because they already have a line. The thing we need is to make

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sure we can just track and do aspects of who's calling and what they need information for, but I think that's a great start. So I was going to talk with them after hearing that question.

CHAIRWOMAN FORRESTER: Senator Little.

SEN. LITTLE: I wasn't going to ask this question but since it came up, just have to know. I see here in the submission that you will set up a warm line and not a hot line. Is it a warm line one somebody may or may not answer?

MR. FEISTMAN: No. Warm line is more language from the family life education field. The whole idea was that so -- a lot of times the populations we've worked with are terrified of the structures they're operating with. And so the idea is that the people working under specifically trained to be warm in the aspect that it's a friendly environment. It's not intimidating. Trying to limit as much hierarchy as possible in the process. But it's jargon. It's a little bit of jargon on that.

SEN. LITTLE: Thank you.

CHAIRWOMAN FORRESTER: Thank you. Other questions? Accept a motion.

****** SEN. D'ALLESANDRO: Move the item.

REP. EATON: Second.

CHAIRWOMAN FORRESTER: Moved by Senator D'Allesandro, seconded by Representative Eaton. All those in favor say aye? Opposed say nay? The ayes have it. Thank you.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Next item is 15-265 under Safety. I think there's some questions. Good morning again.

MS. LEONARD: Good morning. Kyra Leonard, the Administrator.

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Mark Liebl, I'm a Lieutenant in Support Services.
Assistant Bureau Commander, New Hampshire State Police.

CHAIRWOMAN FORRESTER: Thank you. Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Both of you, again, thank you for coming up. This kind of circles back with the conversation I had earlier about the PDMP earlier. For the past couple years, we have been talking about integrating a lot of our phone systems as Representative Ober says, VOIP system and the VPN system around the state. I brought up the recollection that I've seen requests to either create this program or continue to update it time and time again. So at what point either we're not fully understanding the construct of what the program is when we start so we have a real definitive figure upfront, or we're in the process where we keep updating it or needing to update it, and we are throwing a bunch of money at it.

The final part of that is what's the end? I mean, how much money we going to put to the system? I support the system entirely. It just seems like we continue to come in on a more regular than I would like basis asking for more and more money for these types of programs.

MS. LEONARD: So is it just the VPN program or the overall J-ONE Program you're referencing?

SEN. SANBORN: Both technically but in this case VPN.

LIEUTENANT MARK LIEBL, Assistant Bureau Commander, Division of Support Services, Department of Safety: I'll speak to that, if I may. The Virtual Private Network we are setting up is an effort to tie in some 234, plus or minus law enforcement agencies, the courts, the Department -- State's Department of Corrections, as well as the county correction facilities. The courts as well. To date, we have about 125 VPN lines set up and 125 that we are actually transferring a fair amount of data back and forth through. The VPN system is a secure network. The data

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that passes through this conduit it's encrypted. And we are passing things through like electronic citations, accident reports, dispositions from the courts, are being passed back into our criminal record system. And that information on motor vehicle type of offenses is also going back to the Department of Motor Vehicle.

What we are finding though throughout the state is that a lot of the police departments and agencies out there, law enforcement, criminal justice related agencies, their vendors, and not in all cases but in many cases, the vendors that they rely on, third-party vendors in many cases, don't have the technical experience necessary to establish these connections. And it's incredibly important we have all of these connected. So what we have here is an instance where we need to provide them with that technical support, how to set up fire walls properly to make sure that it is, in fact, a secure network.

SEN. SANBORN: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: Thank you, sir. I appreciate the answer. If we are kind of halfway down, 230 different precincts per se and you're about 100 whatever into it.

MR. LIEBL: Correct.

SEN. SANBORN: What do we need to spend to drive this car all the way home?

MR. LIEBL: Well, that's a good question. I don't have -- I don't have an answer. I don't know if -- hum -

MS. LEONARD: I don't have an answer for that either, but I can look into it. I know that some of the factors, like he said, is that it depends on what technical assistance that we end up having to provide to the locals. So that's an unknown variable, unfortunately; but I can try and attain as much information as I can on that matter.

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SEN. SANBORN: I'd be interested. Any time we do a project like this and, again, for the record, I completely support it. It's a great program. It seems like you're back on a regular basis. And every time -- well, this conversation has been this is what we need to finish up the program. It sounds like we have a fair distance yet to travel.

MR. LIEBL: I believe that's a correct statement, sir.

SEN. SANBORN: Thank you, sir.

CHAIRWOMAN FORRESTER: Other questions? Representative Ober.

REP. OBER: Thank you. We've heard from a number of other people today about our concern with the backup that comes to us. The details are in, the lack of details. In this case in your first paragraph on Lines 1 and 2, you say that you wish to accept and expend \$165,975 worth of Federal funds from the New Hampshire Highway Safety Agency. That's fine. You get to paragraph two, line four, and your source of funding switches from Federal funds to agency funds. And yet, when you look at the bottom of the page in your financials you're not asking to transfer money from your current estimated adjusted authorized. You are, indeed, asking to accept another \$165,975 of new money. I would ask that you start paying a little more attention and be consistent with what you're asking for because it makes it difficult for us trying to guess what your meaning is.

One of your documents had 100% agency income on Page 1 and 100% Federal income funding on Page 3. So if you could from your agency start to be a little more consistent, we would greatly appreciate that.

MS. LEONARD: Yes, we'll work on that. I can understand the confusion. In this case, the Federal funds are coming into Highway Safety and then when they're granted to us, it changes the color of the money, and it becomes agency income, because that's how we have to take it into our agency. But I'll make

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sure that we look into that and make sure that it's consistently presented and, if not, properly explained.

REP. OBER: Thank you.

MS. LEONARD: Thank you.

****** REP. EATON: Move the item.

CHAIRWOMAN FORRESTER: Thank you. If you could get that additional information that Senator Sanborn is looking for to Mike Kane, then he can distribute it to the Committee.

I have a motion to move the item by Representative Eaton. Do I have a second?

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Seconded by Senator D'Allesandro.

SEN. D'ALLESANDRO: Strong second. Hardy second.

CHAIRWOMAN FORRESTER: All those in favor say aye?

REP. OBER: And with a ho-ho-ho.

CHAIRWOMAN FORRESTER: All those opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Thank you. The next item on the agenda is 15-273, Pharmacy. Good morning.

MS. RICCO-JONAS: Good Morning. Michelle Ricco-Jonas, Program Manager for the Prescription Monitoring Program representing the Board of Pharmacy in the Office of Professional Licensing and Certification.

CHAIRWOMAN FORRESTER: Thank you. Senator Sanborn.

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SEN. SANBORN: Thank you, Madam Chair. Always thank you, Michelle. For me, I kind of point out to when I read the request in the binder --

MS. RICCO-JONAS: Yes.

SEN. SANBORN: -- the next to last sentence of paragraph one it says, no increases in funding is requested at this time. But we just heard about a \$500,000 grant 20 minutes ago. So that kind of threw up the question to me of what is this money really being used for versus the grant and why?

MS. RICCO-JONAS: Sure.

SEN. SANBORN: Is there duplication? Help me out.

MS. RICCO-JONAS: It's not duplication. The funding that we just heard about, as I explained, is the continuation of the funding. So my understanding when I was asked to put this request together, this was initially because of the Continuing Resolution. We couldn't extend the funding through March 31st. We had to only go through December 31st. So I'm here to extend the remaining money.

This money is really the bridging because of the way the new grant is coming in. We won't be able to go through the Governor and Council process until March, maybe even April. So these funds will continue the operation of the program and its existence until we can get the new funds accepted into the state and subcontracted to the Office of Professional Licensing and Certification so we can continue the maintenance and ongoing of the program.

SEN. SANBORN: Thank you for the explanation. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Other questions?

****** SEN. D'ALLESANDRO: Move the item.

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REP. EATON: Second.

CHAIRWOMAN FORRESTER: Motion by Senator D'Allesandro, seconded by Representative Eaton. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Thank you.

MS. RICCO-JONAS: Thank you.

(7) RSA 124:15, Positions Authorized:

CHAIRWOMAN FORRESTER: We are now on to Tab (7). Accept a motion from Senator Little.

****** SEN. LITTLE: Thank you, Madam Chair. I would like to remove from Tab (7) from the Consent Calendar Items 15-267, 15-268, and 15-274.

CHAIRWOMAN FORRESTER: These are all the items under Tab (7).

REP. OBER: Second.

CHAIRWOMAN FORRESTER: Motion by Senator Little, seconded by Representative Ober. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Item number 15-267, Justice. This is another substance abuse grant.

MS. RICE: Yes. This is grant, a Federal grant of \$60,000 for a drug prosecutor. The Drug Enforcement Agency approached us and asked, they are starting a specific Task Force for death resulting cases and other drug cases in New Hampshire. They had some money to support a drug prosecutor. They approached us and

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asked if we would work with them on this, and so they're giving us \$60,000. That's not sufficient to cover the entire position. We would cover the balance of that with drug forfeiture funds that we have so -- and the person, the prosecutor would be essentially embedded in the -- with the Drug Enforcement Agency but under our supervision. So we would work carefully with the Drug Enforcement Agency agents.

SEN. FORRESTER: Questions. Senator Morse.

SEN. PRESIDENT MORSE: Thank you. Thank you for joining us. And I hope this holiday ends shortly. The Task Force met and it was suggested that we needed to fund another position in your Department. How does that tie to this?

MS. RICE: You want to answer that?

ATTORNEY GENERAL JOSEPH FOSTER, Department of Justice: This really would be largely a separate position. Deputy Ann Rice told you this individual is going to be embedded with the DEA two or three days a week and really working with them on their cases. Is there overlap? There is some. But this individual would be funded -- we are requesting General Funds for that position from the Task Force and would be handling drug cases that are referred into our agency. I am anticipating that if other funding goes forward to the various municipalities that's proposed by the Task Force, there will be more cases, a large number of those cases. We tend to handle some of the more complicated or larger cases. Right now we don't have the resources to do that. The counties are pretty backed up as well. So we feel that this position that we are asking from the Task Force that would be handled in the regular session, as I understand it, would just be an additional drug prosecutor to handle the increased caseload that is going to occur.

SEN. PRESIDENT MORSE: Thank you.

CHAIRWOMAN FORRESTER: Okay. Other questions?

****** REP. OBER: Move to accept.

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SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Motion by Representative Ober, seconded by Senator D'Allesandro. All those in favor say aye? Opposed say nay? The ayes have it. Thank you.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Next item under Tab (7) is 15-268, Safety.

MS. LEONARD: Kyra Leonard, Administrator, and Colonel Quinn.

CHAIRWOMAN FORRESTER: Thank you. Questions? Can you just give a brief explanation of this? This is another grant funding for substance abuse.

MS. LEONARD: So this grant is actually associated with the ignition interlock program. So it's for the -- it's funding the position, the coordinator position, and it has to do with alcohol and DWI drivers and ensuring that they basically do a breathalyzer before they can operate their vehicle. So that's what this is. So it doesn't really have to do with the heroin or opioid aspect of things.

CHAIRWOMAN FORRESTER: Thank you. Representative Ober.

REP. OBER: I think Senator Little has a question.

CHAIRWOMAN FORRESTER: Oh, Senator Little.

SEN. LITTLE: Same question. I'm just curious. So we don't have a coordinator now. Are we uncoordinated?

MS. LEONARD: So we do have a coordinator right now. So, actually, the issue with this grant is that during the Continuing Resolution we had funding because it was in '15, but we did not budget it because we actually thought that the grant funding was going to be ending. But it turned out that we were

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able to obtain additional grant funding. So now we are accepting in the additional funds now that the Continuing Resolution has ended. So we have a coordinator.

SEN. LITTLE: Thank you.

CHAIRWOMAN FORRESTER: Further questions?

****** REP. EATON: Move it.

CHAIRWOMAN FORRESTER: Motion to move the item by Representative Eaton. Do I have a second?

SEN. PRESIDENT MORSE: Second.

CHAIRWOMAN FORRESTER: Seconded by Senator Morse. All those in favor say aye? Opposed say nay? The ayes have it.

COLONEL QUINN: Thank you.

CHAIRWOMAN FORRESTER: Thank you.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: The next item on under Tab (7) is 15-274, Department of Administrative Services.

VICKI QUIRAM, Commissioner, Department of Administrative Services: Good morning, again.

CHAIRWOMAN FORRESTER: Good morning.

MS. QUIRAM: Do you have a question?

JOSEPH BOUCHARD, Assistant Commissioner, Department of Administrative Services: Shall we speak?

CHAIRWOMAN FORRESTER: Senator Morse.

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SEN. PRESIDENT MORSE: First of all, it didn't say anything here. The efforts to close the CAFR, I mean, working with Mike on our end have been phenomenal. So I think it's just good government to give you the extension so that we show everybody New Hampshire is moving forward. We are looking forward to seeing the CAFR. And thank you for everything you're doing.

What would this number have been last year on this document? There's 6 million on here now. Has it grown, has it shrunk? What is it?

MS. QUIRAM: The money for this position?

SEN. PRESIDENT MORSE: No. Maybe LBA can answer it 'cause I asked them.

MS. QUIRAM: Okay.

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Actually, we are on the previous item, Senator. We are on State Energy Manager. I think I believe the question you have --

SEN. PRESIDENT MORSE: I'm on State-owned vehicles, the next item circled.

MR. KANE: Correct, correct.

SEN. PRESIDENT MORSE: I still thank you for your efforts on the CAFR.

MS. QUIRAM: We'll be back. We'll be back. We'll stay.

CHAIRWOMAN FORRESTER: Question?

REP. OBER: Madam Chairman.

CHAIRWOMAN FORRESTER: Yes.

****** REP. OBER: I move to accept.

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SEN. LITTLE: Second.

CHAIRWOMAN FORRESTER: Moved by Representative Ober, seconded by Senator Little. All those in favor say aye? Opposed say nay? The ayes have it. Thank you.

*** {MOTION ADOPTED}

CHAIRWOMAN FORRESTER: Before we move on to Item (8) or Tab number (8), Mike, can you just tell us with all these items that we heard relative to substance abuse funding, what -- what is the total we have accepted now in this meeting for substance abuse grant funding?

MR. KANE: Yes, roughly \$2.2 million.

CHAIRWOMAN FORRESTER: Thank you.

(8) **RSA 14:30-a, VI, Fiscal Committee Approval Required For Acceptance and Expenditure of Funds Over \$100,000 From any Non-State Source, and RSA 228:69, I, (b), Appropriation and Use of Special Railroad Fund:**

CHAIRWOMAN FORRESTER: We are now on Tab (8), Department of Transportation. Are there any questions? I'll accept a motion.

** SEN. D'ALLESANDRO: So move.

REP. OBER: Second.

CHAIRWOMAN FORRESTER: Moved by Senator D'Allesandro, seconded by Representative Ober. All those in favor say aye? Opposed say nay? The ayes have it.

*** {MOTION ADOPTED}

(9) **RSA 21-I:19-g, III, Use of State-Owned Vehicles:**

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CHAIRWOMAN FORRESTER: We are now under Tab (9). Senator Morse.

SEN. PRESIDENT MORSE: Yes. This was my question. We are basically asking for a waiver for 69 State-owned vehicles. What did we ask for last year?

MS. QUIRAM: Thank you for the question, Senator Morse. We don't know the answer. We got a little preview just a little while ago about your question. We did not do a report to you in Fiscal Year 14, but we do have the numbers back at the office. Terry is trying to get the number right now. We certainly can probably have it by the end of the meeting.

SEN. PRESIDENT MORSE: Thank you.

CHAIRWOMAN FORRESTER: Senator Sanborn, you have a question?

SEN. SANBORN: I do. Thank you. I apologize. I missed the front part of your testimony, Vicki, so my apology for that. So you and I have had some conversations about P-Card.

MS. QUIRAM: Yes.

SEN. SANBORN: When I first saw that package, frankly, I misread it. I thought you were coming here looking to buy 63 cars, not keep in-service 63 cars which brought up my P-Card question. So I had opportunity to speak to several other members of the Fiscal Committee about the P-Card and the legislation, I think, Senator Stiles had put in, and my concern that are we doing something on some of these large dollar purchases where the fee, either absorbed by the State or passed back to the State, might exceed what it would cost to process the -- process just a check? And have you given any consideration or should we give consideration, I don't know if we need to modify language or not, to kind of look at that to make sure that it's not actually costing us more money, ultimately, to use the card than not?

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MS. QUIRAM: Senator Sanborn, thank you for asking that question, and I know we have discussed this before, and I think it was a very good question to ask.

One of the things when we put the P-Card into place when we are doing multiple long purchases of office supplies, janitorial supplies and things like that, we know it saves us a lot of money in processing the accounts payable and in our staffing and all kinds of things and, also, we get the rebates.

The legislation was written and to acknowledge that all purchases, all contract purchases would be done on the P-Card and that's how we would experience the benefit that we get from the rebates that would come through.

When you asked your question, I did go back and look at this because it was a good question. We are purchasing large vehicles, large equipment, and we are asking them to do it on a P-Card. You know, is the benefit to the State, is there the cost benefit there? Is the benefit -- does the benefit to the State outweigh what we might be charged, the different charge that they may give us because they're having to pay the fee. So what we have talked about doing is on some of our larger purchases actually going out to bid with and without the P-Card, and giving the bidders the ability to give us prices either way. And then we will structure the bid such that we can take the lowest price with or without the P-Card, and then we'll start getting a feel for are people raising their prices because of the P-Card and how does this all balance out?

So I think it's worth our while to do that calculation and to be able to really prove that here's what happens when you use these cards and here's what the impact to the State actually is.

SEN. SANBORN: Follow-up.

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: Thank you. So if I understand you correctly, right now all purchases are mandated to use the P-Card. So it

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doesn't give you a lot of flexibility to purchase in a different way.

MS. QUIRAM: No. I think we have that flexibility. I think that we are -- the way we had been moving ahead is to actually put P-Card in all of our contracts for purchases. And it didn't matter how large the purchase was, how small the purchase was, we were asking everybody to allow us to pay with a P-Card.

SEN. SANBORN: Follow-up. I apologize. I apologize because I thought you were saying when you started your testimony that the legislation did say it was mandatory.

MS. QUIRAM: The calculations for the savings to the State and for what we're expecting to get with rebates were calculated based upon doing everything that way.

SEN. SANBORN: Thank you. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Representative Ober.

REP. OBER: Thank you. If we could get back to this item. Commissioner, is there any cost to the State if we approve this? There was some conversation yesterday. We couldn't figure out what was going on. So do we cost the State something by approving this?

MS. QUIRAM: By approving the item that's on the table today?

REP. OBER: Yes, 278.

MS. QUIRAM: No. No, I don't think so. There's no -- I don't think so.

SEN. PRESIDENT MORSE: Not that I want there to be debate today, but you certainly do. I mean, if vehicles aren't being used and we own vehicles, that's why this was four, five years ago we implemented this and we started studying this. That's why I asked if this was growing. The under use of these vehicles

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would mean there's got to be a better way to do something for those people with vehicles. I'm hoping 69 is very close to where we were last year, so.

MS. QUIRAM: Did you get the number? Terry has the number.

TERRY BLOUIN, Administrator, Department of Administrative Services: Last year's report had 91 vehicles on the list.

** SEN. PRESIDENT MORSE: We're heading in the positive direction. Move the item.

SEN. D'ALLESANDRO: Second.

REP. OBER: I second.

REP. WEYLER: Further question.

CHAIRWOMAN FORRESTER: Representative Weyler.

REP. WEYLER: Thank you. Thank you, Commissioner, for taking ahold of this program that Representative Eaton and I tried to initiate it several years ago. We're quite pleased. I know how difficult it is to try to determine how much we have saved because of the way before this program how the monies were disbursed. However, I'm hoping there's some way we can come up with a savings.

The thing that bothers me is you talk about every year a different mileage, and I expected to find a formula in here how it was derived, but couldn't find an explanation how we do this, versus paying someone mileage for using their own personal vehicle, versus how much it costs us. I remember sometimes ten years would go by we'd be using the same figure.

MS. QUIRAM: Okay.

REP. WEYLER: How much it cost the State and, obviously, it was changing over these ten years but nobody ever computed it.

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So I would like to see the formula printed out when we do this report.

Also, we are looking at the number of vehicles with low mileage that our garaged at a person's home. We talked in the past whether or not people were paying something or we were putting in a W-2 for the commuting, if you will, rather than official business. Do we take any -- do we get any money back from the people that are taking these cars home.

MS. QUIRAM: We do not. The Department of Administrative Services doesn't tell people whether they take their cars home or not. So we really don't know exactly how many cars that we have that people are taking home from the perspective of managing a fleet. We do know that because we do report to the IRS on their personal use mileage. So we do not ask for money back from them, but they do have to pay for their personal use and we are very restrictive. As you know, we come to you before, restrictive on personal use mileage and reporting of that.

REP. WEYLER: So they -- follow-up.

CHAIRWOMAN FORRESTER: Yes.

REP. WEYLER: So they pay the IRS for what goes in the W-2. They don't pay us anything.

MS. QUIRAM: Right.

REP. WEYLER: And it seems like it's difficult to justify with the number that we're going, garaged at a residence with low mileage. Seems like the Department should look into that and see whether that's the appropriate way. And looking at your formula, which you should give them, versus paying for their mileage expense, versus paying for a vehicle when it's 5,000 miles or 3,000 miles when the breakeven is 9,000 miles. I think we are not looking at that. Just saying the average is 9,000. You didn't make it. We'll let you keep the car 'cause you need it, but maybe the Department isn't looking and a real

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formula they should look at and say no, you're not going to have a State-owned vehicle. We are going to pay you so much, especially when it's low mileage.

MS. QUIRAM: Hm-hum.

REP. WEYLER: Thank you very much.

MS. QUIRAM: Point well-taken. Thank you.

CHAIRWOMAN FORRESTER: Thank you, Commissioner. I had a motion to move the item from Senator Morse.

REP. OBER: Yes, there was a second.

CHAIRWOMAN FORRESTER: Who was the second?

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Seconded by Senator D'Allesandro. All those in favor say aye? Opposed say nay? The ayes have it. Thank you.

(10) RSA 126-A:5, XXIII-XXV, Commissioner of Health and Human Services:

CHAIRWOMAN FORRESTER: We are now on Tab (10), DHHS, State Plan Amendment.

JEFFREY MEYERS, Assistant Commissioner and Director of Intergovernmental Affairs, Department of Health and Human Services: Good morning.

CHAIRWOMAN FORRESTER: Good morning.

MR. MEYERS: For the record, my name is Jeff Meyers. I'm with the Department of Health and Human Services, and with me is Commissioner Toumpas.

CHAIRWOMAN FORRESTER: Is your microphone on?

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MR. MEYERS: Can you hear me now?

CHAIRWOMAN FORRESTER: Yes.

MR. MEYERS: This item consists of two State Plan Amendments to our Medicaid State Plan that relate solely to the New Hampshire Health Protection Program, and the roughly 44,000 individuals who are currently covered under that program. These State Plan Amendments are required to be approved by the Fiscal Committee in accordance with our state authorizing statute, which was Senate Bill 413, before they could be submitted to the Centers for Medicaid and Medicare Services, and before the next phase of the Health Protection Program, which is known as the Premium Assistance Program, can begin.

The one State Plan Amendment relates to the Alternative Benefit Plan which is the plan benefits and the delivery system that is used for the New Hampshire Health Protection Program. And the second State Plan Amendment is a cost-sharing State Plan Amendment that identifies all of the point-of-service co-payments that enrollees -- a certain group of enrollees is subject to.

So I can summarize this, I think, very quickly and then I'm happy to take questions. The changes to the -- and let me just say at the outset, we're here in front of Fiscal because of our statute. These are not waivers. If these were waivers, we would also have to be -- also have had to go before the Joint Health Reform Oversight Committee, but that Committee does not have jurisdiction over State Plan Amendments. And Senate Bill 413 specifically required the Department to bring State Plan Amendments to the Fiscal Committee for approval. So that's why we're here. Should I stop? Do you have a question?

CHAIRWOMAN FORRESTER: Yes, further clarification.

MR. MEYERS: Sure.

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CHAIRWOMAN FORRESTER: We are here because it's required to come to Fiscal; but this is required to comply with Federal rules; is that correct?

MR. MEYERS: Absolutely.

CHAIRWOMAN FORRESTER: Okay.

MR. MEYERS: Yes. So the changes to the Alternative Benefit Plan which is the bulk of the packet that you have in front of, and I apologize but these are, you know, these are standard forms that CMS requires. They're pretty bureaucratic. There are two particular changes that are being made. One, as you know, the majority of the health protection population today is being covered through Managed Care delivery system by our two Managed Care companies under contract with the State. And as you know, under the Premium Assistant Program, all of those individuals, except for those who are -- who self-attest to be medically frail, and I'll discuss that in a second, are going to be covered through qualified -- Individual Qualified Health Plans on the Exchange. And we would be drawing down -- 2016 we'll be drawing down Federal funds to pay for individual health policies on the Marketplace and that population is currently enrolling in those plans today.

The second substantive change that that Alternative Benefit Plan SPA makes is to remove from covered services coverage for non-emergency services performed in emergency departments across the state. And that's a change that we're required to make, because coverage for non-emergency services in the hospital ERs is not an essential health benefit. It's not part of the secretary-approved coverage for the Marketplace plans in New Hampshire. And our Alternative Benefit Plans SPA has to be in compliance with the secretary-approved coverage. So we are removing payment for that.

Now, let me just take a second to explain, because I want to be clear of what's covered and what's not covered. So when an individual who's enrolled in the program goes to the emergency room and says, you know, I think I have this condition that

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needs to be treated right here now, they will be evaluated. They'll be triaged. And hospitals are required under Federal law, statute that is known as EMTALA, which is an acronym for an Emergency Medical Treatment Assistance, hospitals are required to evaluate and screen that individual to determine whether or not that person has an emergency condition that has to be treated or not. So that triage, all that evaluation and assessment is going to be covered. It's covered today and it's going to continue to be covered.

What will not be covered for the Premium Assistance folks, and mind you, that's all we're talking about here is the Premium Assistance population, is if the Emergency Room Department determines that they don't have an urgent or emergent condition and they have something that could be treated elsewhere at another time. At that point, our program is not going to cover that particular service.

The standard for determining whether or not somebody has an emergency condition is -- is a reasonable person standard and that standard is written into the Federal law, the EMTALA statute. So if somebody reasonably believes, a prudent layperson is the language in the Federal statute believes that because of pain or because of some other symptom that they believe they have an emergency condition, then that service can be, you know, they're entitled to go to the Emergency Department and they'll be evaluated and that service can be covered. If somebody shows up in the Emergency Department and it really doesn't meet that standard that's not going to be a covered service.

I've reached out. I've talked to the Hospital Association. They're certainly aware of this change in the State Plan that would be effectuated by your approval of this amendment. We talked to the carriers and the carriers are aware of this situation as well, and I certainly committed to the Hospital Association to continue to work with providers in the State to make sure that they understand how this is going to operate for this population. But I want to underscore this change is solely with respect to the New Hampshire Health Protection population that will be enrolled in the Premium Assistance Program.

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So I'll stop there for a moment because that's the summary of the Alternative Benefit Plan. If you wish, I'll now summarize, if there aren't any questions, what the changes to the cost-sharing are.

CHAIRWOMAN FORRESTER: Any questions? Senator Sanborn.

SEN. SANBORN: Thank you, Madam Chair. Gentlemen, thank you for coming up. I have two questions, if I might.

MR. MEYERS: Sure.

SEN. SANBORN: The first one, Jeff, circles back to where you're receiving your approval from the Fiscal or the Health Care Oversight Committee. And I apologize, I didn't bring the statute today, but I recollect that 420-N is pretty specific that any and all policy considerations on health care needs to go to that policy committee prior to a decision being made for approval; but you indicated that it doesn't.

MR. MEYERS: It does not. With respect to Health and Human Services, it requires that we bring any waivers under the Affordable Care Act or any administrative rule under the Affordable Care Act but not a State Plan Amendment.

SEN. SANBORN: Okay. Thank you. If I may follow-up, Madam Chair?

CHAIRWOMAN FORRESTER: Yes.

SEN. SANBORN: Thank you. Maybe we use this on the market rates, but I also thought 413 talked about any co-pays that were going to be considered to be put into that population had to essentially match the highlight of the mark of other states are doing and are we doing that?

MR. MEYERS: I would happy to look at that further. I'm happy to talk to you further. I'm not aware of that.

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SEN. SANBORN: We debated it before. Not you and I, but been debated before.

MR. MEYERS: I'm happy to follow-up with you.

SEN. SANBORN: Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Representative Wallner.

REP. WALLNER: Thank you, Madam Chair. This is just a question about the emergency room --

MR. MEYERS: Sure.

REP. WALLNER: -- proposal that we got. What would happen if someone went to the emergency room after hours, you know, late in the morning or something, and they were determined it was not an emergency and there was no other facility to see them. How do -- how will that be dealt with?

MR. MEYERS: They have an emergency condition they will be treated by the facility that -- by the hospital they have gone to and that will be a covered service and paid for. If they show up, you know -- you know, the middle of the night in your example, and they do not have an emergency condition, and the hospital staff informs that person that what they have is something that could be treated elsewhere at another time and does not have to be treated at that time, then that would not be a covered service.

CHAIRWOMAN WALLNER: Okay. Thank you.

MR. MEYERS: But, clearly, the intent, the hospital has to screen the individual to determine whether or not they have an emergency condition that needs to be treated and that evaluation is covered, and it's covered today and will continue to be covered. The question, and if they do have something that requires treatment, then that will remain a covered service.

REP. WALLNER: Thank you.

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CHAIRWOMAN FORRESTER: All set? Representative Weyler.

REP. WEYLER: Thank you, Madam Chair. Director Meyers comes before us and says you need to approve two Amendments. It's very confusing as to what's been amended. I look at the attachments and it's got remove and add and you can't really follow what's happening --

MR. MEYERS: Yeah.

REP. WEYLER: -- with the attachments. The explanation you've written helps a little bit, but it still doesn't spell out things that we're all concerned with, especially on Fiscal Committee. How many dollars are we saving? What percentage of the population is likely to be affected by going to the emergency room with something that's not an emergency and that thus they will pay the cost of?

MR. MEYERS: Yeah.

REP. WEYLER: This says approve amendments, but it's not clear what amendments we are approving.

MR. MEYERS: I tried to highlight what we are amending in the cover letter. That was certainly my intent. And to the extent it wasn't clear enough, then I apologize for that. But the forms, unfortunately, as I said at the outset on the forms, they are very bureaucratic. You have to fill them out the way the government requires, and it is not intuitive. I would certainly concede that. But I have highlighted now what we are changing. We are changing the method of the delivery system from Managed Care to Individual Qualified Health Plans on the Exchange for all those accepted or medically frail. And with respect to the medically frail, there is language in the State Plan Amendment that I could point out to you and go through, if you wish, that describes how an individual will self-attest.

At the time of application there's a question asked about whether the individual feels that they have conditions that affect their ability to undertake the daily task of living. And

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if they respond in a certain way to that question, they're given -- they're counseled as to the difference in coverage and whether they should consider self-attesting to be medically frail. If they're medically frail, they are excluded from enrolling in Individual Qualified Health Plans on the Exchange. They will continue to be covered under the New Hampshire Health Protection Program for as long as it's authorized, which is currently through 2016. They will receive services by a Managed Care company. So it will be Managed Care delivery still, not fee-for-service. And they will have a choice between coverage under the Alternative Benefit Plan, which includes presently substance use disorder services, or the standard State Plan Medicaid Services which presently do not include SUD services.

As I think all you know, in the budget that took effect a little bit earlier this year, there is funding included to extend SUD services to the standard Medicaid population effective July 1, 2016, for the second year of the biennium, and the Department is, obviously, working internally with stakeholders to develop rules that will go before JLCAR and other public outreach so that people understand how that benefit will be implemented but that's a separate matter.

CHAIRWOMAN FORRESTER: Representative Weyler.

REP. WEYLER: Thank you, Madam Chair. Follow-up. Was this change initiated because we have a health plan or was it initiated by CMS outside of what we're doing.

MR. MEYERS: Yes, yes. These amendments are required of because of the transition of our program from what the Legislature labeled and called the Voluntary Bridge to Marketplace. That is, there's coverage prior to the time when we thought the Exchange would be developed, developed enough with sufficient competition and a number of carriers so there would be real choice on the Marketplace for this population. So that's the bridge. And the Marketplace is the Premium Assistance Program that will begin coverage on January 1st of 2016, with the bulk of those 44,000 individuals enrolled in private Qualified

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Health Plans, paid for by Federal funds through December of 2016.

CHAIRWOMAN FORRESTER: Yes.

REP. WEYLER: Lastly, this self-attesting to be medically frail, just seems like a huge loophole.

MR. MEYERS: It's not and I'll explain why. As I said, there's between 44 and 45,000 people enrolled in the program today. And the number of medically frail is very small in proportion. I don't have the exact number, but it is about 3,000 of the 44,000 plus. So we feel that there has -- that that has not been used as a loophole in any way. And we expect that after the open enrollment period concludes that the percentage of the population that will be involved in the -- will be enrolled, excuse me, in the private plans will be what we expect that to be.

REP. WEYLER: Thank you. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Other questions? Senator Morse.

SEN. PRESIDENT MORSE: Not question but statement because I think he probably needs the help. First of all, on the co-pay side of this --

MR. MEYERS: Right, I haven't gotten to that.

SEN. PRESIDENT MORSE: I think that's exactly why the Legislature asked to have the debate in January about where we're going because we are seeing different things in other states on the effective co-pay.

MR. MEYERS: Right.

SEN. PRESIDENT MORSE: That was originally part of the original 413 plan.

MR. MEYERS: Yes.

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SEN. PRESIDENT MORSE: We are going to want to see results in January from other states right now how co-pays are working and what they're doing.

MR. MEYERS: Yes.

SEN. PRESIDENT MORSE: So I think you're just implementing the plan that's going to put private health insurance in place that we all agree to.

MR. MEYERS: Yes.

SEN. PRESIDENT MORSE: The second part of this actually puts the hospitals on the hook and we talked about this quite a bit during establishing 413 for two reasons. One, we wanted the hospitals to sign up as many people as possible to make sure they got on health care which is separate from what you're offering today. But we didn't want people showing up and going the same old system. We wanted them getting into private health insurance plans and working with MCOs to learn to use the system.

MR. MEYERS: Manage their care appropriately.

SEN. PRESIDENT MORSE: The MCO is going to be on the hook in the long run for these people for what they spent.

So the second part of that is now the hospital is on the hook. We understood the law. You guys did a great job of explaining that we have to let them come in the door. We certainly don't at two o'clock in the morning have to treat someone that goes in there under circumstances that doesn't meet that.

MR. MEYERS: Right.

SEN. PRESIDENT MORSE: Now, I would think common sense prevails there; but the reality of this whole thing is you don't want to encourage people to use the emergency room as primary

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care, and that's what you're establishing right now and we are asking the hospitals to help us establish that in society.

MR. MEYERS: Yes.

SEN. PRESIDENT MORSE: That's what we're doing. And I think that's a very effective tool to do it when you don't pay. I'd love to know what the Uncompensated Care number is on that. I can't believe it's huge, but I would like to know --

MR. MEYERS: Right.

SEN. PRESIDENT MORSE: -- what it means in the future. But, in any case, I think it's the right direction to go. And it does have to happen in the sense that CMS wants this. I think the Department's kept us up to speed on this right along.

MR. MEYERS: Yes.

SEN. PRESIDENT MORSE: In any case, I support it.

MR. MEYERS: I do want to address the co-pays, if I could, Madam Chair?

CHAIRWOMAN FORRESTER: Sure. I have one more question --

MR. MEYERS: Of course.

CHAIRWOMAN FORRESTER: -- before we move on.

MR. MEYERS: Sure.

CHAIRWOMAN FORRESTER: Representative Barry.

REP. BARRY: Thank you, Madam Chair. And I think this goes along with what Senator Morse was talking about. I think it's a great program. We need to continue it. The question I have is what percentage of existing ER visits are really not required and is there a dollar impact there?

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MR. MEYERS: Yes. I don't know the answer to that question sitting here today. We're, obviously, we're talking about Hospital Association. We are trying to work to develop that information. And when we get into January and these bills go forward with respect to reauthorization, we are going to be fully prepared to address all of those issues.

CHAIRWOMAN FORRESTER: All set? Continue, Jeff.

MR. MEYERS: So I just briefly want to address the changes to the cost-sharing State Plan. We increased the point-of-service co-payment for various of the services. And I included in what I delivered to the Committee a chart that looks like this. It's the very last page of the packet that I provided to LBA and I hope you have that. That's probably the easiest thing to refer to here. And it's -- excuse me -- it's just a list of the -- it has a general service description on the left-hand side, whether it's subject to a deductible, the type of the unit of service, whether it's an admission or a visit, and then the co-payment itself. And let me just say at the outset that co-payment -- point-of-service co-payments are going to be applied only to those individuals who are over 100% of the Federal Poverty Level. Any individual that is under 100% of the Federal Poverty Level will not be subject to co-pays.

So, more specifically, if you're enrolled in the New Hampshire Health Protection Program, and you're under 100% of the FPL, the State using 100% Federal funds through 2016 will be paying the cost of the premium, the deductible, and there will be no co-payment. Those individuals over 100% of the Federal Poverty Level will similarly, the cost of their premium is going to be paid using Federal funds, the deductible will be paid using Federal funds through 2016, 100% Federal funds, but they will have responsibility to pay up to 5% of their annual household income in point-of-service co-pays. The State is making available to those -- this population Silver Level Plans that have an actuarial value of 94.6%. This says 94. The exact number, I believe, is 94.6. What that means is this. That the actual value is the -- is an estimate of the percentage of

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health care costs that are paid for by the carrier. And then the rest of the cost is paid for traditionally by the enrollee.

In this case, on our marketplace, under this program the Federal Government is paying 70% upfront of the cost of the plan. Then the State using Federal funds is then paying the difference between 70 and 94.6 using Federal money. The enrollee will then be responsible for the balance up to 5% of their annual household income. That translates into \$147 per quarter on a quarterly basis or \$588 per year. So this -- these co-payments are established so that those targets can be met.

I was in front of this Committee last May with an initial co-payment plan that had -- that was less than the sum of the numbers that you see in front of you. After you approved the cost-sharing SPA toward the end of May of 2014, the Federal Government changed the way that the actual -- actuarial value of the plans were to be calculated. And that -- and what happened as a result of that was that the co-payment structure that you had approved that we had put forward would have been insufficient to pay for the enrollee share. In other words, the Government share would have been exceeded what it was allowed to be.

And so I got a call one day from our actuary saying the new criteria for the Federal calculator, the AV calculator had come out and your co-payment structure no longer meets the criteria. And so -- and that was something that I had no knowledge of whatsoever when we appeared before the initial cost-sharing SPA. So working with the Department of Insurance and the Department and we notified the Governor's Office, we worked -- we were in a time frame where the carriers needed to know what this was in order to file their rates and plans with the Insurance Department or they would not have products that would be available come this January.

The Insurance Commissioner had set a very tight timeline for the submission of those rate plans. So we very quickly had to work with our actuary to come up with a second set of co-payments that would allow that AV calculator criteria to be

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met, and we increased some of the co-payments. There were no co-payments, for example, for office visit, outpatient visit, for behavioral health or primary care. We now have a \$3 per visit co-payment for that service.

The inpatient admission for both behavioral health inpatient admission and hospital inpatient admission went from 75 to 125. And the imaging, that's high-cost imaging, which are CT scans or PT scans or MRIs, went from 25 to 35. Those are the principle changes.

So this co-payment schedule meets the Federal requirements. And I want to stress this is what's being implemented for 2016. As you know, the program's only been authorized through December of '16, and we know that we are going to have -- there are bills that have been introduced that will be heard. And the Department and the Legislature will work together with respect to that legislation. And we understand that the cost-sharing structure, the personal responsibility structure is something that will be discussed in the context of those bills. And so all we are doing here is asking for approval so that this can be put in place for that.

CHAIRWOMAN FORRESTER: Thank you, Jeff. Questions?
Representative Wallner.

REP. WALLNER: Thank you. So on the inpatient services we went from 75 --

MR. MEYERS: To 125.

REP. WALLNER: To 125.

MR. MEYERS: Correct, correct. And I should stress -- excuse me, Representative, I apologize, but I want to stress our State Plan requires a provider to provide the service regardless of whether an individual can make the co-payment or not. They must provide the service. And then so if Jeff shows up at the hospital and is admitted, and they say, well, we'd like to get your, you know, co-payment now, and I say, look, I'm sorry, I

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just don't have the money, then the provider still has to admit me and provide the service, and then the provider will make a decision about whether and what extent they want to collect the co-payment after that.

REP. WALLNER: Could I ask a further question?

CHAIRWOMAN FORRESTER: Sure.

REP. WALLNER: So I look at what these are, substance abuse inpatient services, it feels like this is like what we have been talking about for the last month or two here and how important it is we get people in and get them the treatment they need. I don't know if this is a fair question for you, but do you think that there are people who this is a deterrent for them seeking service, seeking inpatient service because they can't pay these co-pays?

MR. MEYERS: Well, I think one response is as I just said, if they show up and they're admitted, they can't be denied services for lack of the co-pay. So to that extent it would not be a barrier. Whether it is a barrier to someone even thinking about accessing services is a separate question and a valid question, and I think it's something we are going to have to kind of work on as we discuss the program further.

REP. WALLNER: Further? One further question?

CHAIRWOMAN FORRESTER: Sure.

REP. WALLNER: If I'm following the question, what we are really doing is asking the hospitals to share in the burden -- share in the cost.

MR. MEYERS: They are required to, because they cannot deny service if someone doesn't have the co-pay.

REP. WALLNER: Thank you.

CHAIRWOMAN FORRESTER: Further question? Senator Morse.

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SEN. PRESIDENT MORSE: It's going to be very clear where we're basically, and this came up with the hospitals yesterday as we're talking about how we are going to fund this, this is why this debate needs to happen in January, because these dollars are probably headed toward uncompensated care dollars. And to the extent they discourage, I would hope not. That wasn't the intent, because we wanted to eliminate Uncompensated Care. I think other states are finding right now the cost to implement a co-pay is more than you could possibly get out of it. The intention there is to teach people to fish and that's why we put Managed Care in before we put this in. And I think, ultimately, and the Commissioner's done a great job putting this in my brain, ultimately, we are rolling all this off on the Managed Care companies in the long run. We give them a certain dollar amount and say take care of these patients. And, ultimately, they're going to make sure they don't go to an emergency room, because they're the ones most at risk the way New Hampshire put in its health care. So I think it's a good thing. I do believe we have a lot of debating in January though. So I have a 1 o'clock appointment so if there's no further discussion.

CHAIRWOMAN FORRESTER: I just want to make a comment and then a short question. So, and I asked you this question before. Well, kind of. There was a headline in one of the newspapers today that said *Lawmakers Consider Raising Health Care Co-Payments For Some on Medicaid*. I want to be clear. This is not something we're choosing. It's required by Federal rules; correct?

MR. MEYERS: In order to meet the Federal criteria for the Marketplace. We are doing this solely for the Marketplace population, correct.

CHAIRWOMAN FORRESTER: So my follow-up question that would be what would happen if we didn't approve this?

MR. MEYERS: Well, if Fiscal didn't approve this, then we would not have a State Plan Amendment for the Premium Assistance

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Program in place before January 1st, and I think that legally we could not start the program.

CHAIRWOMAN FORRESTER: Thank you. I'll accept a motion.

** SEN. D'ALLESANDRO: Move the item.

SEN. PRESIDENT MORSE: Move the item. Second.

CHAIRWOMAN FORRESTER: Moved by Senator D'Allesandro, seconded by Senator Morse. All those in favor say aye? Opposed say nay? One opposed. That's Senator Sanborn.

*** **{MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Thank you.

MR. MEYERS: Thank you very much.

SEN. PRESIDENT MORSE: Madam Chair.

CHAIRWOMAN FORRESTER: Senator Morse.

SEN. PRESIDENT MORSE: I scheduled an appointment for one o'clock down in Salem which turned into two or three appointments, because Shannon is good at it. I want to wish everyone a Merry Christmas.

Nick, I hope we see you on the Senate floor in January. I wish you the best. I just want everyone to know in the spirit of compromise, I delivered the family gift last night, which wasn't overwhelmingly received. But it went home as a Scotch and I've named every other Golden Retriever I ever had as a Christmas tree and it's now Spruce. So I wish you all a great Christmas.

CHAIRWOMAN FORRESTER: Thank you, Senator Morse.

(Senator Morse leaves the committee room.)

(11) Chapter 274:11 and 12, Laws of 2015, Legislative
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Employees; January 8, 2016 and January 6, 2017.

CHAIRWOMAN FORRESTER: We are now on Tab (11).

REP. OBER: Madam Chairman.

CHAIRWOMAN FORRESTER: Representative Ober.

****** REP. OBER: Madam Chairman, I would move acceptance of 15-282.

REP. WEYLER: Second.

CHAIRWOMAN FORRESTER: Discussion? All those in favor say aye? Oppose say nay? The ayes have it.

***** {MOTION ADOPTED}**

(12) Chapter 276:29, Laws of 2015, Department of Transportation; Transfer of Funds and RSA 124:15, Positions Authorized:

CHAIRWOMAN FORRESTER: We are now on Tab (12).

****** REP. EATON: Move it.

CHAIRWOMAN FORRESTER: Senator Sanborn, did you have a question on this?

SEN. SANBORN: No, ma'am.

REP. EATON: Senator Little.

CHAIRWOMAN FORRESTER: Senator Little. Okay. Is someone from DOT here?

WILLIAM CASS, Assistant Commissioner, Department of Transportation: Good afternoon. William Cass, Assistant Commissioner from DOT, and Marie Mullen, Director of Finance from the DOT.

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SEN. LITTLE: Yes, it is afternoon.

CHAIRWOMAN FORRESTER: Good afternoon. Senator Little.

SEN. LITTLE: Just a couple of quick questions. I notice that we are transferring the money, the request is to transfer some funds out of the promotion and marketing and into Board expenses.

MR. CASS: Correct.

SEN. LITTLE: So the first question is what isn't going to get done by taking the money out of promotion and marketing? I assume there was a reason for putting it in there to begin with.

MR. CASS: The promotional marketing was essentially our mailing expenses to put out informational meetings, public notices and advertise our public meetings in newspapers. And reviewing that budget we feel that we can manage with the anticipated number of public informationals and public notices within that reduced budget. The transfer into the Board's class code is really to set things up in the correct class line. We have historically paid for those Board members as temporary employees under Class 50. And with some review from the Attorney General's Office about the autonomy of the Board, it was determined it's more appropriate to pay it under Class 65.

SEN. LITTLE: So this is something that's been done on a regular basis paying the Commission Members for per diem the mileage.

MR. CASS: Yes, yes.

SEN. LITTLE: And how -- how closely are you -- I assume that this is an estimate for actually what will happen in the future that you're reimbursing for expenses. That you're asking now to transfer for expenses that have already been paid.

MR. CASS: That's correct.

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SEN. LITTLE: How closely do you estimate? I look at what the expense is likely to be. I look at, in particular, the expenses for the 101 in Bedford and people are going to drive 4,000 miles to look at the 62 pieces of property.

MR. CASS: Well, it's not just looking at the 62 pieces of property. It's the Board members meet with our agents and meet with the property owners in terms of -- in terms of whatever level of negotiation. So even though there are 65 parcels, that could be a lot more individual meetings with property owners as we provide the offer, as we try to negotiate a settlement or, ultimately, if we end up having to file condemnation on them.

The mileage is also for them to come to Concord. Again, part of that review that I had mentioned we need to have -- we had been treating the Board as much more of an offset of our staff. Again, because it's some of the review from the Attorney General's Office. If the Board is autonomous and subject to 91-A and stuff, we have since taken to having more public meetings with the Board of Commissioners that are publicly noticed and so that adds some of the travel time as well.

SEN. LITTLE: So moving -- one further question.

CHAIRWOMAN FORRESTER: Yes.

SEN. LITTLE: So moving forward in the budgeting process, we'll see this as a standalone line item?

MR. CASS: We'll see this as Class 65 going forward, yes.

SEN. LITTLE: Thank you.

CHAIRWOMAN FORRESTER: Other questions? Accept a motion.

****** SEN. D'ALLESANDRO: Move it.

SEN. LITTLE: Second.

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CHAIRWOMAN FORRESTER: Motion moved the Item 15-269 by Senator D'Allesandro, seconded by Senator Little. All those in favor say aye? Opposed nay? The ayes have it.

MR. CASS: Thank you.

CHAIRWOMAN FORRESTER: Thank you.

*** {MOTION ADOPTED}

- (13) Chapter 276:143 Laws of 2015, Department of Health And Human Services; Transfer Among Accounts and RSA 14:30-a, IV, Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 From any Non-State Source:

CHAIRWOMAN FORRESTER: Now on Tab (13), Department of Health and Human Services. This is just a standard transfer request.

** SEN. D'ALLESANDRO: Move the item.

REP. OBER: Second.

CHAIRWOMAN FORRESTER: Have a motion to move the item by Senator D'Allesandro, that is 15-270, seconded by Representative Ober. All those in favor say aye? Opposed say nay? The ayes have it.

*** {MOTION ADOPTED}

- (14) Chapter 276:198, Laws of 2015, Department of Safety; Transfer Among Accounts:

CHAIRWOMAN FORRESTER: We are now on Tab number (14), Safety, transfer request. Accept a motion.

** SEN. D'ALLESANDRO: Move it.

REP. EATON: Second.

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REP. OBER: Second.

REP. OBER: Let Dan second.

CHAIRWOMAN FORRESTER: Okay. I have a motion to move 15-261 by Senator D'Allesandro, seconded by Representative Eaton. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: We are now on Tab (15). Accept a motion.

****** SEN. D'ALLESANDRO: 15-271. Move 15-271.

REP. EATON: Second.

CHAIRWOMAN FORRESTER: Missed that. I have a motion by Senator D'Allesandro to move 15-271, seconded by Representative Eaton. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

**(15) Chapter 276:206, Laws of 2015, Department of Health
And Human Services; Sununu Youth Services Center;
Cost Savings Plan:**

CHAIRWOMAN FORRESTER: Now we are on Tab (15). Accept a motion by Senator Little.

****** SEN. LITTLE: Move to table.

REP. OBER: Second.

CHAIRWOMAN FORRESTER: Tabling motion is non-debatable. All those in favor of the tabling motion say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

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CHAIRWOMAN FORRESTER: Next item is Item 15-229. Health and Human Services.

REP. OBER: No, we just did that.

CHAIRWOMAN FORRESTER: I'm sorry, I have two of them together. Yeah, I see it. Okay. Now we are on Tab (16).

(16) Chapter 276:219, Laws of 2015, Department of Corrections; Transfers:

SEN. FORRESTER: This is Corrections and there is a question. Could I have someone from Corrections come up.

REP. OBER: Thank you for taking the question. I just wondered if we could have an update on where you are with hiring and filling the new positions that were authorized in the budget. I know you got a late start because of the veto and now we're into regular budget. So you did have new positions. How's the hiring going?

DOREEN WITTENBERG, Director, Division of Administration Department of Corrections: The hiring is going well. For the record, my name is Doreen Wittenberg for the Department of Corrections. I'm the Director of Administration. We did get 35 position. Currently, we filled 28 of those positions.

REP. OBER: Excellent.

MS. WITTENBERG: Of the 35, there were 16 uniform and there were 19 non-uniform. In both those categories, 14 of those positions are filled. There are two vacant in the uniform and there are five vacant in the non-uniform. So I'm happy to say that we are moving along.

REP. OBER: Thank you.

MS. WITTENBERG: Okay.

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CHAIRWOMAN FORRESTER: Other questions?

** REP. EATON: Move it.

CHAIRWOMAN FORRESTER: Have a motion to move the item by Representative Eaton, 15-260. Second?

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN FORRESTER: Seconded by Senator D'Allesandro. All those in favor say aye? Opposed say nay? The ayes have it.

*** {MOTION ADOPTED}

(17) Miscellaneous:

SEN. FORRESTER: We are now on Item 17. Mr. Kane, would you like to come up to the table? Looking for an approval for two administrative actions.

MR. KANE: Yes. Good morning, Madam Chairman, Members of the Committee. For the record, my name is Michael Kane. I'm the Legislative Budget Assistant. First request, we'd like the authority to fill a position. We've lost Steve Giovinelli. He's actually moved over to Department of Administrative Services. So we'd like the authority to fill his auditor position.

** REP. OBER: Move to approve.

SEN. SANBORN: Second.

CHAIRWOMAN FORRESTER: Motion by Representative Ober to approve, seconded by Senator Sanborn. All those in favor say aye? Those opposed say nay? The ayes have it. Thank you.

*** {MOTION ADOPTED}

MR. KANE: Thank you. The other motion is, as Commissioner Quiram had mentioned, they are working hard to meet the December 31st deadline. They did receive the extension for the

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CAFR of January 15th. Depending on when the next meeting of Fiscal is scheduled that report may be -- may be finished prior to that meeting. So what I would like to request is the authority to release the CAFR as well as the annual statements, financial statements for Turnpike, Liquor, Lottery, the Unique Annual Report, and Fidelity 529 Plan Annual Report when they become available to the public.

****** REP. OBER: Move to approve.

CHAIRWOMAN FORRESTER: I have a motion to approve by Representative Ober, seconded by Senator D'Allesandro. All those in favor say aye? Opposed say nay? The ayes have it.

***** {MOTION ADOPTED}**

CHAIRWOMAN FORRESTER: Thank you, Mike.

MR. KANE: Thank you.

(18) Informational Materials:

CHAIRWOMAN FORRESTER: We are now into the Informational items. I have four items that members have indicated they have questions on and they are 15-252, 257, 275, and 280. They're on Page 7. If anyone has anything else that they want to ask questions on, just let me know. I'm going to start with 15-252, which is Fish and Game. I believe the House has some questions.

JOHN B. WIMSATT, Conservation Officer Major, Law Enforcement Program, Fish and Game Department: Good afternoon, Madam Chair. My name is John Wimsatt, Conservation Officer Major with Fish and Game Department. I have with me Evan Mulholland, our Legal Assistant.

CHAIRWOMAN FORRESTER: Thank you. Does anyone have any questions?

REP. OBER: This goes to Representative Weyler's Division.

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REP. WEYLER: Thank you, Madam Chair. We earlier had given you more money which doesn't appear to be here in the Search and Rescue Fund as a carry forward. We had a request for more money. We gave it to you from the General Fund. Now it doesn't appear to be on this page.

EVAN MULHOLLAND, ESQ., Legal Coordinator Fish and Game Department: The budget that was passed included extra money from the General Fund and it was transferred to the Fish and Game Fund. The text of the bill said that it may be used for Fish and Game Search and Rescue Account. And some of it, in effect, has been because we are continually short so we move the money from the Fish and Game Fund to the Search and Rescue Fund to pay for the Search and Rescue expenses.

REP. WEYLER: I guess that's not obvious from the report that was given. We are still using a lot of straight time which we said in Division II we don't think is right. That straight time is supposedly paid for by licensing fees.

MR. MULHOLLAND: Hm-hum.

REP. WEYLER: Yet, we keep seeing the straight time which is a large percentage of the Search and Rescue Fund which it seems to be that's why it's going into negative areas, because we are using money that should otherwise be paid for by licensing fees.

MR. WIMSATT: I can speak to that issue with regard to how it is -- how it is expended. When an officer is on duty, if he's on eight-hour work day, if, you know, six hours into it he's called to a search and rescue, those additional two hours to complete his eight-hour day are paid for out of what comes out of our law enforcement operating budget, our law enforcement account, which is the unrestricted account for which the, for instance, the 600,000 that was transferred from the General Funds into our Unrestricted Fish and Game Fund.

At that point, when the officer hits the eight-hour mark and goes on to overtime, then all of the additional overtime cost is directly billed out of the 2112 Search and Rescue

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Account which is the -- which is the continuing appropriated and non-lapsing account. Because that account, as can you see by the indicated figures, is generally completely exhausted, it is -- it is the way that we have done it, and I talked to my business manager about this this morning so I had a full understanding about it, is that those -- those actual time that is -- actual time logged on regular time within that first eight hours is drawn out of that 7887 law enforcement account which has those dollars which were put in by the General Fund granted by the Legislature.

REP. WEYLER: Follow-up.

REP. OBER: Follow-up.

REP. WEYLER: The appearances. When you set the rates for licenses, there's an assumption there's X number of conservation officers, there's X number of hours of straight time. The cost of those is added to the license and that's how it's set. So, in other words, the license fees have paid for that eight hours.

Now when you come along and you put it on the search and rescue, it appears to be double dipping. It appears to be having a negative effect or it should be having a positive -- positive effect on reducing the cost of the license fees. But when you set out the year to set the cost of the license fee, you're looking at the hours that the conservation officer is projected to have. Now you're paying twice for those hours and, in effect, there's no way I can see it any other way.

MR. MULHOLLAND: Could I just maybe clarify one thing? One of the reasons why it's broken out on the back when we -- let's say you have a mission and some is straight time and some is overtime, and it turns out we are trying to recover that money from the person we rescued. We bill that person for both the straight time and the overtime. That's why it's broken out that way. We are not double dipping like you said.

REP. WEYLER: You never seem to collect.

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MR. MULHOLLAND: We actually broke that out. We got this this morning. We recovered in Fiscal Year 15 \$9,588 from people who were negligent and did not have an otherwise Hike Safe Card or some other type of card. And interesting, in FY 15, it was the first year in a long time where we came out ahead. We had \$202,000 in expenditures and we recovered 200 -- well, between revenue and recoveries, and the Hike Safe Card, we came out 231,000. So for 2015 we are 30,000 ahead.

REP. WEYLER: That's what I was hoping for with the Hike Safe Card. How much revenue have you gotten from the Hike Safe Card?

MR. MULHOLLAND: In Fiscal Year 15, 42.8 thousand and in Fiscal Year 16 first quarter, 18,000. So that's a total of 60 approximately. I think we are up much higher than that, but that was the first quarter of the year.

MR. WIMSATT: The latest press release came out was just around the \$75,000 mark in total revenues from the Hike Safe Card. It's certainly done very well, and it's made a significant impact.

REP. WEYLER: Taken me ten years to convince you you needed a Hike Safe Card but thank you.

SEN. REAGAN: Thank you, sir.

MR. MULHOLLAND: We are heavily publicizing it. We are encouraging people buy it for Christmas.

REP. WEYLER: Thank you. Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Other questions?

** REP. WEYLER: Move the item.

REP. OBER: It's informational.

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CHAIRWOMAN FORRESTER: Thank you. Before we move to the rest of the items, I just want to check in with Ceil. Are you okay? Do you need a little break?

(Five minute recess taken at 12:33 p.m.)

(Reconvened at 12:40 p.m.)

CHAIRWOMAN FORRESTER: We are now on informational item 15-257 relative to the Sununu Center. Commissioner. Representative Ober has a question. Let's let him sit down and introduce himself.

MR. TOUMPAS: Good afternoon. For the record, Nick Toumpas, Commissioner of Health and Human Services.

REP. OBER: We didn't want your last meeting to go without lots of questions, Commissioner.

MR. TOUMPAS: I wanted to go out with a bang.

REP. OBER: Staffing at the Sununu Center has been adjusted to reflect the population of people being served there. However, I know that we have a new wing in New Hampshire Hospital. Will we be able or will you be able to find some people with skill sets at the Sununu Center and transition them to positions in that new wing to -- I don't know what kind of skill sets we have, but I'm hoping we can do that.

MR. TOUMPAS: It would be wonderful if I could, but the -- first off, let me take the Sununu Center piece of it. We do not have enough staff at the Sununu Center. We are short on staff. The material we had put together when we sent the item to you, we had a census of 44 kids. Today it's 69 kids. We are constantly struggling to basically fill the shifts. A lot of overtime using people coming in who had retired and so forth, bringing people in from the field, organizations in order to basically fill those slots. These are mental health workers and youth counselors that are there.

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Back to the New Hampshire Hospital. The Inpatient Stabilization Unit that is now complete, it is there, held an open house the other day, and that requires nurses. And so the skill sets that I have at the Sununu Center are not transferable to the New Hampshire Hospital. What we need are registered nurses to staff the unit at the New Hampshire Hospital. I need 11 nurses there and as I indicated to the Chair, we also have 15 vacancies in the New Hampshire Hospital for registered nurses for which we are unable to recruit people into those positions right now.

REP. OBER: Thank you, Madam Chair.

CHAIRWOMAN FORRESTER: Any other questions? Commissioner, did you want to speak at all to this or did you just -- were you --

MR. TOUMPAS: On the Sununu Center one? Yeah. The -- the requirement was that the Department do a General Fund reduction of 1.7 million out of State Fiscal Year 16 and roughly 3.5 million out of State Fiscal Year 17 off the budget. And in order to do that, the scenarios that in order to achieve those type of savings would require us to literally close the facility, lay-off all the staff with the exception of a handful of people who were doing the maintenance work, set aside money for the mothballing and the maintenance of the facility while it's vacant; and then we still have the obligation for caring for the kids that are there. And as you know, there was a change in the law that we -- that's one of the reasons why we are seeing an increase in the census. We were running roughly around 50. We are now running anywhere between 65 to close to 70, 69 as a matter of fact today, and that brought the age up to 17. And so in order for us to try to meet what the intent here of the House Bill 2 was, would require us to make those type of actions. And instead of saving \$1.4 million, it would cost us a minimum of an additional \$4 million because we would have to put those kids out into the community.

Now, there was substantial discussion regarding that during the -- I think it was called the CR hearing and so forth. And in

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order for us to do that, we would have to put those kids out in the community. The challenge that we face with that is that virtually every one of the kids that were at the Sununu Center have had multiple failed placements out into the community.

Lorraine Bartlett, who's the Director for the Division of Children, Youth and, Families, indicates that on average they have five failed placements. So to turn around and say now we are going to take the kids, close down the facility, and put them into the community into the areas that they have that they had failed in the past, just doesn't seem to make a whole lot of sense. Number one.

Number two is for the program -- there are programs. We -- the Department absolutely would love to have those kids out into -- out into the community. But the -- but those programs are not in a position to basically handle those kids right now. Number one, it is a different group of individuals, because it requires a secure setting for those -- for those kids to be treated out in the community. The programs that are there would need to make substantial changes to their facilities in order to protect the kids, the community, as well as the staff there. They would have to change their business models. It's a different set of skills that would be required in order to do that. And we could not guarantee the number of kids. So if you're -- if you're a business or if you're a non-profit agency, most of these are non-profit agencies, this would require action on their Board, approval from the community. It's not going to happen overnight, and even at that, I can't guarantee the number of kids that they're going to be able to serve. So how do they -- how do they make the numbers work? And then on top of all that, the number that we had projected, and the analysis that you have before you, the \$565 a day, the indications that we have in terms of talking with some of those providers it would be likely close to double that in order for them to basically handle those kids. So at a minimum it would cost, in order to meet the requirements of what was set forth in the roughly \$5.2 million reduction in the current biennium, would cost the State and the Department far more in terms of being able to do that.

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We did look at other options, such as what the law required to look at outsourcing, to look at privatizing and so forth. We looked at a number of different things and just simply saw that there was really no substantive dollars anywhere near what it is that we would -- we needed to save. And that has to be offset because every time you lay an individual off, and these people are doing their jobs, and they're doing a great job, now we'd have to lay those folks off and there would be a payout.

I spoke with Senator Little the other day and he indicated that, well, you know, some of those people could perhaps be re-deployed. That's correct, they could be re-deployed. But I don't know how many of those people and whether or not the skill set matches with what it is that we -- what it is that we need. Most of the people that would be affected down there are either youth counselors or teachers, some that's maintenance workers and others and so forth; but it's really teachers and the youth counselors that deal day in and day out with the kids over the three shifts during the day.

So our -- the net of all this is that the Department's option that I put forward here is that we would take -- meet the reductions by taking that out of the funds that would otherwise would lapse at the end of State Fiscal Year 16 and at the end of State Fiscal Year 17. We will be diligent in terms of looking at every opportunity to save money where we can there, but right now I'm already looking at, if I started to put together the next Dash Board, I would say not only do we have the obligation regarding the General Fund reduction, but now I've got the added cost because now the census is gone up by, you know, by 20% over what it was what we had been -- we had been projecting. There is also a little bit of a sawtooth mentality in terms of that. We don't control how the kids get in there. The kids come in through the courts. And so we don't really ultimately control that. So the ability of us to fulfill this via cutting expenses and cutting staff and cutting areas within Sununu Center, I just can't make that work under the current environment and that's where we look at being able to achieve that through the funds that would otherwise have lapsed.

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CHAIRWOMAN FORRESTER: Thank you, Commissioner. Questions. Representative Barry.

REP. BARRY: Thank you, Madam Chair, and thank you, Commissioner. I think we all agree we want to make sure this population gets served and served properly, and the Sununu Center is doing quite a job of doing that. The question I have is given that we have got the opioid crisis going on now, and we've had several folks talk to us about maybe being able to utilize those beds to -- the vacant beds to do something, and I know there's some restrictions in regulations. But this is a crisis. Maybe there's a way to work with -- three come to mind, Easter Seals, Phoenix House, Harbor Homes -- and see if there's a way that they can utilize the beds, provide a revenue stream, and provide -- maybe even provide some therapists that work there to handle that increased piece of it.

MR. TOUMPAS: The proposal, I believe the item that the Committee tabled is the longer. There are two pieces to House Bill 2 that required, one, the reduction, but then the other to put forward a long-term plan. That is the item that was tabled. And I'm fine with that, because in order for us to move forward on that, I believe Representative Kurk wrote a letter to the Fiscal Committee and indicated what -- what the options were and tabling it was -- is fine, because it's going to require legislation in order for us to do. We want to move forward with a psychiatric residential treatment facility that gets at what it is you're talking about. But it be a program that we -- we would run out of the -- out of the Sununu Center. I don't want it to be lost, because we are also talking about the Sununu Center. I don't want it to be lost on everybody that those people down there do one heck of a job. The outcomes, the things that we are achieving, working with a very difficult and challenging population. Virtually every one of those kids has an underlying mental health or substance use disorder challenge. And many of those kids could be served in that treatment facility that we are talking about, and we would be able to fetch Federal dollars by doing that under the plan that we're putting forward and that's been tabled.

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CHAIRWOMAN FORRESTER: Representative, I'd also like to point out that next Tuesday, Finance Committee will be meeting and having a presentation by the Chair of the Committee, Senator Boutin, who during the Continuing Resolution chaired a Committee to look at options for the Sununu Youth Services Center. So I encourage you to attend that meeting. Representative Ober.

REP. OBER: Thank you, Madam Chairman. Commissioner, I think we are sensitive to your position. There is a legislative requirement for you to reduce your budget. And I know you're leaving, but I want to leave you at Christmas with the thought about when you do not do as the law says, what happens? Because this happened last biennium as well. And what happened was every other agency was asked to cut, asked to lay-off, asked to do things, we had millions of dollars that should have gone to several of our towns, which are quite small, for wastewater treatment facilities that the law requires that got cut because you weren't meeting your lapse and you were overspending your budget. So there's always for us, and all I'm asking you to do, this is an informational item which we don't vote on to approve or disapprove, but I'm asking you and everyone in your agency to think about the trickle-down effect in the other agencies and what they're asked to do if you're overspending your budget. Because it's a hard situation that we live with. And then we have the other Commissioners, Burack, et cetera, coming in and talking to us about what has happened because one agency has overspent.

So, please, as you look at this, be as cognizant as you can of 100% of our workforce. Every one of our employees is valuable. And when we owe money to the towns, we should be responsible and pay that because they use their budgets based on that. So I just thank you for your future consideration and for everybody in your staff. I know you won't be here. And I hope you have a wonderful cruise and a great vacation, and thank you for everything you've done for us.

MR. TOUMPAS: Thank you. The -- I -- I do want to comment, Representative Ober. I don't believe that the Department

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overspent its budget and, indeed, we returned a greater amount in the area of lapse than what the Legislature had projected. And any spending that, again, under the Medicaid Program, if the caseload comes in we are required to serve, serve those individuals. We have to move dollars around in order to cover that. That there were additional costs incurred there, but we did not come back to the Legislature looking for additional dollars. We took that out of other areas and made some difficult decisions, including maintaining a very high level of vacancies within the Department that now is impacting other areas, such as the New Hampshire Hospital.

CHAIRWOMAN FORRESTER: Thank you, Commissioner. All set? Thank you.

The next item is 15-275, which is the Dash Board. Commissioner.

MR. TOUMPAS: As you know, the Department produces a monthly Dash Board on -- we were -- this is the first one that we have done in State Fiscal Year 16. And the reason for that was that when we were in the Continuing Resolution, we didn't have a baseline for the budget in order to calculate where we were going to be at a point in time. So this is the first of the Dash Boards for State Fiscal Year 16. You'll -- I want to point out a couple of things on this Dash Board. Is there --

CHAIRWOMAN FORRESTER: No, no, go ahead.

MR. TOUMPAS: I want to point out a couple things on this Dash Board. The Dash Board is, I'll call it, version 2.0, if you will. There are some substantive changes that we've made to the Dash Board. And, in particular, one of the things that we are doing is we've added a section that provides an overview of key initiatives that we have within the Department, and you'll see that toward the end of the -- of the document. The part that is -- that most folks really want to gravitate toward is the spreadsheet that follows the title page called Operating Statistics Dash Board, and that you will see is showing that as of the end of October, we were projecting a \$37 million General

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Fund shortfall, offset by some other revenues right now to bring it down to \$27 million, almost \$28 million General Fund shortfall that we are projecting for State Fiscal Year 16. And the biggest driver of that, as you can see, is on the first line is the Medicaid area, and that is really driven by a couple of key factors, not the least of which is the caseloads and some of the delays that we have had in terms of rolling out various phases of the Managed Care Program.

The other area that I really would like to highlight on this was showing as a -- as a shortfall here on Line 22, which is the New Hampshire Hospital. I was talking briefly about that earlier. The Legislature allocated a dollar fee of the Capital Budget to develop an Inpatient Stabilization Unit. We did around 2500 admissions to the New Hampshire Hospital on an annual basis. And right now as of this morning we had over 30 people, 35 people in the emergency rooms across the state waiting to get into the New Hampshire Hospital. The Inpatient Stabilization Unit was really designed to take some of the pressure off of that. It's not -- it's not adding long-term beds to the facility. It's providing a way in which to be able to take some of those that are the most acute in the emergency rooms of the -- in the emergency rooms of hospitals where they don't belong to basically bring them in, work -- do all the analysis and assessment of those individuals, and then be able to discharge them out into the -- out into the community. That facility, as I indicated earlier, is completed and ready to go, but we simply can't hire the staff.

Now, the Legislature has allocated, you know, so we have salary dollars and the positions are funded. The problem that we have is that we are simply not competitive with what hospitals and other entities are paying registered nurses. We are significantly under water in that -- in that area. So just the base pay, and then we have the shift differentials for working on the second and third shifts. And, again, this is an inherently dangerous environment that the people are working in. So at this point we have not been able to open that up because we have those vacancies. We have the dollars to basically pay

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the people, but we can't pay them enough because we are not authorized to do that with the shift differential.

We also have 15 vacancies in the New Hampshire Hospital on the other wings in the New Hampshire Hospital, and we've reached a critical stage there where we have just this week the CEO of the hospital, Bob MacLeod, has issued a mandatory overtime for a certain of the staff on the wings in order to basically allow us to continue to serve the people there. Absent that, we would need to start curtailing back on the admissions, which would then drive the numbers into the emergency rooms of the hospitals up.

The use of mandatory overtime is a short-term step. It really, Representative Ober, you talked a little bit earlier about on another item where it increased the danger on the part of the staff and on the clients and that's precisely what this would do if we tried to do this over the -- over the long-term.

So the Department has put together a -- a plan. I will send it to Mr. Kane that will then be able to distribute it to the Committee to show what our -- what our need, what our ask, in terms of being able to be able to bring staff in to open up that facility. I do think it's going to be several months even if we had the dollars available today and the ability to basically hire the people today. I do believe it would take a number of months in order to get the staff into place there.

REP. OBER: Thank you.

CHAIRWOMAN FORRESTER: Yes, Representative Ober.

REP. OBER: Commissioner, the other agencies when they went to have their pay adjusted send their job descriptions to that group and have the Hay Group do a competitive look. And since you're saying we are not paying competitive, may I assume your agency has already sent the job descriptions down there and we should get something back maybe next month?

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MR. TOUMPAS: We are working with the Division of Personnel on this, Representative Ober. One of the things that we are keenly aware of, because if I take a registered nurse at the New Hampshire Hospital, so while I'm -- I want to deal with the New Hampshire Hospital, but there are registered nurses in a number of other State Agencies as well, and if we raise -- if we change it in one, it's going to impact the others. And so that's something that we are working very closely with the Division of Personnel and looking what our options are there. And some of the other ones may not have the issues that we have with respect to shift differentials that we are working on. So we have been in active discussions with our personnel people, with our financial people at the New Hampshire Hospital, as well as the Division of Personnel to look at what our options are, one of which is that, and we have defined that. But it is not changed -- it's not fundamentally changing the classification.

REP. OBER: It's not done yet. I mean, yes or no?

MR. TOUMPAS: No, it's not done yet. It's a work in progress.

REP. OBER: I just wanted to know if you reached that point.

MR. TOUMPAS: I believe we have a meeting scheduled before the end of the Calendar Year. I believe it may be December 30th is one. We are going to be sitting down. There have been other people have been working it, but it's going to be bringing myself and others together so that we can make some decisions and say this is what we are really going to need and how can we fast-track this in order to basically get the type of relief. Otherwise, this is not going -- this is not going to resolve itself. Just a local hospital in this area just recently gave an across the board increase to nurses in their facility that just exacerbates our problem.

CHAIRWOMAN FORRESTER: Commissioner, this is a plan that you were talking about that you're going to give to Mr. Kane that will be distributed to the Committee.

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MR. TOUMPAS: That's correct.

SEN. FORRESTER: Any other questions? Thank you, Commissioner.

MR. TOUMPAS: Thank you.

REP. OBER: Madam Chairman.

CHAIRWOMAN FORRESTER: Yes.

REP. OBER: We have four informational items left, three of them are related to Administrative Services who we all know have their hands full with the CAFR and other things. Might I recommend that we postpone these four items and that we take up the three Administrative Services items in February giving them adequate time to do the work they need to do for us?

CHAIRWOMAN FORRESTER: I do agree to that suggestion, especially since we seem to be losing members fast and furious. So we will push those off until the next Fiscal Committee meeting. And speaking of the next Fiscal Committee meeting, we are looking at Friday, January 22nd at 10 o'clock. Are there any questions? Anything else? I'll accept a motion to adjourn.

** REP. EATON: Move.

SEN. LITTLE: Second.

CHAIRWOMAN FORRESTER: All those in favor say aye? Opposed? The ayes have it. Thank you.

*** **{MOTION ADOPTED}**

(The meeting adjourned at 1:06 p.m.)

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