



Jeffrey A. Meyers  
Commissioner

Deborah D. Scheetz  
Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF LONG TERM SUPPORTS AND SERVICES

105 PLEASANT STREET, CONCORD, NH 03301  
603-271-5034 1-800-852-3345 Ext. 5034  
Fax: 603-271-5166 TDD Access: 1-800-735-2964  
www.dhhs.nh.gov

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August 15, 2019

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court, and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to the provisions of Chapter 145, sub-paragraph 1, (a), Laws of 2019 and pursuant to RSA 14:30-a, VI, authorize the Department of Health and Human Services, Division of Long Term Supports and Services to amend Fiscal Item FIS 19-184 approved by the Fiscal Committee on July 25, 2019 and Item #20A approved by Governor and Executive Council on July 31, 2019 which requested authorization to: 1) exceed the 3/12 limitation in the amount of \$7,951,274 and 2) accept federal funds in the amount of \$7,959,225 to provide services to individuals on the Developmental Services Wait List by extending such authority on a pro rata basis from August 31, 2019 through September 30, 2019 effective upon date of Fiscal Committee and Governor and Executive Council approval. 50% Federal Funds / 50% General Funds.

**EXPLANATION**

The Department of Health and Human Services, Division for Long Term Supports and Services, Bureau of Developmental Services, seeks approval to extend authority to exceed the 3/12 limitation. This item was originally approved through August 31, 2019 by Fiscal Committee (FIS 19-184) on July 25, 2019 and by Governor and Council on July 31, 2019 (Item #20A). This request is to extend pro rata spending by an additional 30 days until September 30, 2019; the balance of the Continuing Resolution period. These funds represent the lapse from SFY 2019 that was to be brought forward to fund the Developmental Services Wait List (Developmental Disability/DD, Acquired Brain Disorder/ABD, and In-Home Supports/IHS) on an annualized versus pro rata basis. Further, DHHS requests to accept and expend matching Federal funds on a pro rata basis.

The spending approval requested enables individuals taken off the Wait List in July and August to continue to receive services in September and enables those projected to enter into services in September to begin services and come off the Wait List. Wait List funding for individuals has historically been obligated on a fiscal year basis, rather than a pro rata basis, allowing area agencies to hire staff and contract for an annual service plan keeping people fully funded for a year of long term supports and services.

As of August 7, 2019, there were 24 people, including those exiting the education system (As) and those new to the system (Bs), removed from the projected Wait List for July and August. A projected 18 people (As and Bs) are anticipated to initiate services in September 2019. Those requiring additional services (Cs) in the first quarter, 105 people, have requests pending for additional funding and are also registered on the Wait List. In July and August, 1 person was removed from the ABD Wait List and 4 people were removed from IHS Wait List. A projected 1 person for ABD and 5 people for IHS are anticipated to begin services in September. Wait List numbers vary from day to day as area agencies work with people, their families, and providers to plan for services.

Additionally, 998 people were taken off the Wait List in SFY 2018-2019 and continue to receive services in SFY 2020. This is 517 more people that the Department anticipated being able to serve. The Department used a combination of funds in SFY 2018-2019 to meet the needs of those who were on the Wait List including the original budget appropriation, an additional appropriation, carryforward dollars, a transfer of dollars that would otherwise lapse, and vacancy dollars. The people taken off the Wait List in the SFY 2018-2019 biennium are considered "SFY 2020 maintenance" and in total account for all of those previously on the Wait List, but whom have transitioned into annualized service.

**Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15,"Positions Authorized", or both, and all Emergency requests pursuant to " Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":**

1. Is the action required of this request a result of the Continuing Resolution for FY 2020?  
Yes, the action required of this request is a result of the Continuing Resolution for SFY 2020.
2. If this request is retroactive what is the significance and importance of the action being effective from an earlier date?  
This request is not retroactive.
3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)  
No, the requested action is not due to a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action.
4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?  
Yes, funding for this program was included in the SFY 2018-2019 enacted budget.
5. Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?  
Yes, this program is included in total in the vetoed SFY 2020-2021 Operating Budget proposal. The amount of this request is equal to the funds that would not have lapsed had HB2 passed.

6. Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)

No, the programs detailed above do not include positions or consultants.

7. What would be the effect should this program be discontinued or not initiated as a result of this request being denied?

If this request were to be denied, the Division for Developmental Services would need to discontinue services for people taken off the Wait List in July and August as well as be unable to remove the people from the Wait List that are projected for services in September.

Funds will be used for:

Class 502 Payments to providers

Area served: Statewide.

Source of Funds: 50% General funds from FY 2019 lapsed appropriations and 50% Federally matched dollars.

Respectfully submitted,



Jeffrey A. Meyers  
Commissioner

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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION FOR BEHAVIORAL HEALTH

Jeffrey A. Meyers  
Commissioner

Katja S. Fox  
Director

129 PLEASANT STREET, CONCORD, NH 03301  
603-271-9544 1-800-852-3345 Ext. 9544  
Fax: 603-271-4332 TDD Access: 1-800-735-2964

July 19, 2019

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court, and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

#1 - Pursuant to the provisions of Chapter 145, sub-paragraph 1, (a), Laws of 2019, the Department of Health and Human Services, Division for Long Term Supports and Services requests authorization to exceed the 3/12 limitation of said resolution for the accounts listed below, in the amount of \$7,951,274, for the period of Fiscal Committee and Governor and Council approval through September 30, 2019. 100% General Funds.

**05-095-093-930010-71000000 Developmental Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$32,499,866	\$0	\$32,499,866
	General Funds	\$32,715,866	\$7,741,274	\$40,457,140
	<b>Total Revenue</b>	<b>\$65,215,732</b>	<b>\$7,741,274</b>	<b>\$72,957,006</b>
041-500801	Audit Fund Set Aside	\$34,000	\$0	\$34,000
102-500731	Contracts for Program Services	\$250,000	\$0	\$250,000
502-500891	Payments to Providers	\$64,931,732	\$7,741,274	\$72,673,006
	<b>Total Expenses</b>	<b>\$65,215,732</b>	<b>\$7,741,274</b>	<b>\$72,957,006</b>

**05-095-093-930010-70160000 Acquired Brain Disorder Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$3,211,162	\$0	\$3,211,162
	General Funds	\$3,298,705	\$90,000	\$3,388,705
	<b>Total Revenue</b>	<b>\$6,509,867</b>	<b>\$90,000</b>	<b>\$6,599,867</b>
041-500801	Audit Fund Set Aside	\$3,211	\$0	\$3,211
102-500731	Contracts for Program Services	\$90,754	\$0	\$90,754
502-500891	Payments to Providers	\$6,415,902	\$90,000	\$6,505,902
	<b>Total Expenses</b>	<b>\$6,509,867</b>	<b>\$90,000</b>	<b>\$6,599,867</b>

**05-095-093-930010-71100000 Children's IHS Waiver**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$899,112	\$0	\$899,112
	General Funds	\$898,212	\$120,000	\$1,018,212
	<b>Total Revenue</b>	<b>\$1,797,324</b>	<b>\$120,000</b>	<b>\$1,917,324</b>
041-500801	Audit Fund Set Aside	\$899	\$0	\$899
502-500891	Payments to Providers	\$1,796,425	\$120,000	\$1,916,425
	<b>Total Expenses</b>	<b>\$1,797,324</b>	<b>\$120,000</b>	<b>\$1,917,324</b>

#2 - Contingent upon approval of Requested Action #1, pursuant to RSA 14:30-a, VI, Additional Revenues authorize the Department of Health and Human Services, to accept and expend additional federal funds from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in the amount of \$7,959,225 effective upon approval by the Fiscal Committee and Governor and Council through September 30, 2019, and further authorize the allocation of these funds in the accounts below. 100% Federal Funds.

**05-095-093-930010-7100000 Developmental Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$32,499,866	\$7,749,015	\$40,248,881
	General Funds	\$40,457,140	\$0	\$40,457,140
	<b>Total Revenue</b>	<b>\$72,957,006</b>	<b>\$7,749,015</b>	<b>\$80,706,021</b>
041-500801	Audit Fund Set Aside	\$34,000	\$7,741	\$41,741
102-500731	Contracts for Program Services	\$250,000	\$0	\$250,000
502-500891	Payments to Providers	\$72,673,006	\$7,741,274	\$80,414,280
	<b>Total Expenses</b>	<b>\$72,957,006</b>	<b>\$7,749,015</b>	<b>\$80,706,021</b>

**05-095-093-930010-70160000 Acquired Brain Disorder Services**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$3,211,162	\$90,090	\$3,301,252
	General Funds	\$3,388,705	\$0	\$3,388,705
	<b>Total Revenue</b>	<b>\$6,599,867</b>	<b>\$90,090</b>	<b>\$6,689,957</b>
041-500801	Audit Fund Set Aside	\$3,211	\$90	\$3,301
102-500731	Contracts for Program Services	\$90,754	\$0	\$90,754
502-500891	Payments to Providers	\$6,505,902	\$90,000	\$6,595,902
	<b>Total Expenses</b>	<b>\$6,599,867</b>	<b>\$90,090</b>	<b>\$6,689,957</b>

**05-095-093-930010-71100000 Children's IHS Waiver**

Class/Object	Class Title	Current Authorized Budget	Requested Change	Adjusted Budget
000-403793	Federal Funds	\$899,112	\$120,120	\$1,019,232
	General Funds	\$1,018,212	\$0	\$1,018,212
	<b>Total Revenue</b>	<b>\$1,917,324</b>	<b>\$120,120</b>	<b>\$2,037,444</b>
041-500801	Audit Fund Set Aside	\$899	\$120	\$1,019
502-500891	Payments to Providers	\$1,916,425	\$120,000	\$2,036,425
	<b>Total Expenses</b>	<b>\$1,917,324</b>	<b>\$120,120</b>	<b>\$2,037,444</b>

**EXPLANATION**

The Department of Health and Human Services requests authorization to exceed the 3/12 limitation of said resolution in order to meet the needs of all persons receiving Developmental Disability (DD), Acquired Brain Disorder (ABD), and In-Home Support (IHS) waiver services through September 30, 2019.

The funding requested in this emergency appropriation request will close the gap between the funding provided under the Continuing Resolution (based on the adjusted SFY 2019 budget) and the increased level of funding provided in the anticipated SFY 2020-2021 budget for persons currently served by these three waiver programs through September 30, 2019 and enables individuals on the Waitlist, for July, August, and September, to begin services.

The Waitlist for DD, ABD and IHS services was eliminated in SFY 2019 with a combination of resources including an appropriation beyond the original SFY 2019 budget. This additional appropriation, however, was less than the annualized cost of services for all of those taken off the waitlist. The funding provided under the Continuing Resolution is serving those persons who were on the waiver at the beginning of the last biennium, but is insufficient for the provision of all services for those taken off the Waitlist in SFY 2019 who are now receiving services on the waiver in SFY 2020. Additional funding above the SFY 2019 budget is also needed to begin services for individuals on the Wait List for the first quarter in SFY 2020.

An emergency appropriation of \$15,910,499 (total funds) within Accounting Units 71000000 Developmental Services, 70160000 Acquired Brain Disorder, and 71100000 Children's IHS Waiver is needed in order to fully fund the maintenance of current services of all persons on the DD, ABD and IHS waivers and initiate services for those on the Waitlist through September 30, 2019. If this request is denied, the CR funding based on 3/12<sup>th</sup> of the SFY 2019 Adjusted/Authorized will not be sufficient to continue serving the needs of the program participants.

Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15, "Positions Authorized", or both, and all Emergency requests pursuant to " Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

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This request is not retroactive
3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)  
No the requested action is not due to a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action.
4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?  
Yes funding for this program was included in the FY 2018-2019 enacted budget.
5. Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?  
Yes this program is included in total in the vetoed FY 2020-2021 Operating Budget proposal. The amount of this request is equal to the funds that would not have lapsed had HB2 passed.
6. Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)  
No, the programs detailed above do not include and positions or consultants.
7. What would be the effect should this program be discontinued or not initiated as a result of this request being denied?  
If this request were to be denied the Division for Developmental Services would create a new Wait List for services provided to those with Developmental Disabilities, Acquired Brain Disorders and for those receiving In Home Services. Incredible strides were made during FY 2019 to eliminate such Wait Lists across the spectrums. The funding requested is to continue provided services to those currently receiving care after being removed from the Wait Lists in FY 2019. Additionally it would accommodate those preparing to begin services in the near future due to age requirements.



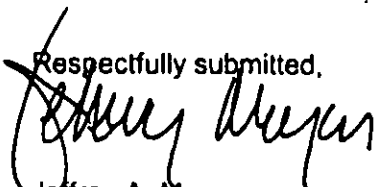
The Honorable Mary Jane Wallner, Chairman  
His Excellency, Governor Christopher T. Sununu  
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Funds will be used for:  
Class 502 Payments to providers

Area served: Statewide.

Source of Funds: 50% General funds from FY 2019 lapsed appropriations and 50% Federally matched dollars.

Respectfully submitted,



Jeffrey A. Meyers  
Commissioner