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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION FOR CHILDREN, YOUTH & FAMILIES

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December 26, 2018

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

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

Approved by Fiscal Committee Date 1/4/19

REQUESTED ACTION

Pursuant to Chapter 355 (Laws of 2018), authorize the Department of Health and Human Services to transfer general funds from the Excess Appropriation Allocation Account in the amount of \$900,000 effective upon date of Fiscal Committee and Governor and Executive Council approval through June 30, 2019; and further authorize the allocation of these funds in the accounts below. Source of funds: 100% General.

05-95-95-950010-38980000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT OF, HHS: COMMISSIONER, OFFICE OF THE COMMISSIONER, EXCESS APPROP ALLOCATION				
Class/Object	Class Title	FY 19 Current Authorized Budget	Requested Change	FY 19 Adjusted Budget
Revenue				
	General Funds	\$ 1,700,000	\$ (900,000)	\$ 800,000
	Total Revenue:	\$ 1,700,000	\$ (900,000)	\$ 800,000

05-95-42-421510-79160000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT OF, HHS: HUMAN SERVICES, SUNUNU YOUTH SERVICE CENTER, REHABILITATIVE PROGRAMS				
Class/Object	Class Title	FY 19 Current Authorized Budget	Requested Change	FY 19 Adjusted Budget
Revenue				
001-404686	Federal Funds	\$ 180,709		\$ 180,709
	General Funds	\$ 5,695,023	\$ 900,000	\$ 6,595,023
Total Revenue:		\$ 5,875,732	\$ 900,000	\$ 6,775,732
Expense				
010-500100	Personnel Services - Perm Classified	\$ 3,583,472	\$ 900,000	\$ 4,483,472
018-500106	Overtime	\$ 149,410	\$ -	\$ 149,410
019-500105	Holiday	\$ 100,000	\$ -	\$ 100,000
020-500200	Current Expense	\$ 25,254	\$ -	\$ 25,254
022-500255	Rents - Leaves other than State	\$ 7,161	\$ -	\$ 7,161
039-500179	Telecommunications	\$ 17,307	\$ -	\$ 17,307
059-500117	Personal Services-Temp	\$ 245,558	\$ -	\$ 245,558
060-500601	Benefits	\$ 1,732,570	\$ -	\$ 1,732,570
523-500365	Client Benefit	\$ 15,000	\$ -	\$ 15,000
Total Expense:		\$ 5,875,732	\$ 900,000	\$ 6,775,732

EXPLANATION

In accordance with the provisions of 2018 Laws Chapter 355:3 (HB 1743) pertaining to the funding of the Sununu Youth Services Center (SYSC), the Department is requesting to transfer General funds from the Excess Appropriation Allocation Account for SFY 2019. HB 1743 permits the transfer of these additional funds into accounting unit 05-95-42-421510-7916 (Rehabilitative Programs) for the purpose of funding rehabilitation programs and operational costs of the Sununu Youth Services Center, upon the prior approval of the Fiscal Committee based upon a number of criteria set forth in the statute. For all of the reasons described below, the Department is requesting the approval of the transfer. (SYSC has 7 accounting units; when approved, these additional funds will be transferred to accounting unit 7916 (Rehabilitative Programs) to cover funds moved within SYSC from Class 010 (Personal Services).

While the daily census of SYSC has continued to decline as a result of changes to the state's detention and commitment laws in 2017, the Department is unable to maintain daily operations and services and maintain a safe environment for the remaining population without this transfer.

Over the past summer, the Department worked with the committee established to review SYSC operations, including potential future uses of the portions of the facility not now utilized for youth correctional purposes. The new non-secure substance misuse treatment facility opened on November 15, 2018 and is being operated by Granite Pathways. Two existing units of 36-beds each are utilized for treatment of committed and detained youth, while the remaining unit of 36 beds is used for meeting space but is available for alternative use.

The drop in the average population of committed and detained youth has not materially changed the funding requirements for SYSC to maintain appropriate staff and resources and capacity for detained youth that fluctuates widely. Many youths will require specific clinical watches requiring 1:1 Youth

Counselor (YC's) staffing on each shift to insure safety of the identified youth, resulting in the loss of YC's assigned to the regular milieu.

Youth Counselor assignment varies per shift based on the daily census and programming needs. To maintain a high level of safety and security the minimum level of YC's per shift is as follows: 7 YC's on 1st shift, 11 YC's on 2nd shift and 7 YC's on 3rd shift. This level of YC staffing provides the minimum level of service to the youth. It provides normalcy/ transitional living skills, CORE therapeutic groups, educational tutoring, activities within the facility, on campus and with weekly community based activities.

Unfortunately, as a result of the staffing reductions conducted in the spring to manage the budget, many programs and services, such as vocational services, have been forfeited due to lack of teachers and staff to support the programs. Some of our community based activities have decreased as well for the same reasons. Without the ability to staff above the minimum levels many of these programs and services are not able to be supported. Additionally, SYSC relies heavily on community service programs to support programming with the facility to increase opportunities for youth. Some of these partners are St. Anselm College (Public Achievement, Public Speaking, Tutoring Services); Equine Therapy; Bicycle Repairs; Employment and Vocational Training; Michaels Hair Design; and Community Service Programs. Unfortunately, the availability of these programs have also been impacted by YC staffing. Even when community partners are volunteering their time and resources to serve out youth, adequate numbers of YCs must be available to provide supervision and security for the activities.

The availability of programming is key to maintaining a healthy and therapeutic environment. When the youth are active and engaged, violence and other inappropriate youth behaviors are minimized. When staffing decreases programming is minimized and inappropriate youth behaviors begin to rise. This is dangerous for youth and for staff and creates a cascading effect where the available YCs must be deployed to address these behaviors rather than support programming for the remaining youth, which further adversely impacts the frequency of inappropriate youth behaviors.

The Department is eager to work with the Governor and the new legislature, as well as stakeholders, in order to reach a consensus for the planned long-term uses of the facility and how best to treat committed and detained youth in the community. The requested transfer is critical to maintaining the safe operation of the facility until that consensus is reached and implementation plans can go forward.

Under HB 1743, the Fiscal Committee shall consider the following when considering approval of the transfer of funds:

I. Whether the department has developed placements for no fewer than 35 youth in Medicaid eligible settings as specified in 2017, 156:165.

To address the aforementioned requirement that capacity be developed to enhance capacity at Medicaid-eligible settings for no fewer than 35 minors, the department certified 38 beds at six programs for this purpose. This includes:

- Seacoast Treatment and Stabilization Center (16 beds)
- Mount Prospect Academy Sub-Acute Program (8 beds)
- Spaulding Youth (3 beds)
- Vermont Permanency Initiative Hall Farm (4 beds)
- Neurodevelopment NH – THRIVE (3 beds)

- Vermont Permanency Initiative Blake Farm (4 beds)

Additionally, in December 2017, the Department contracted with (1) Becket Family of Services, Mount Prospect Academy for sixteen contracted beds for males and with (2) Nashua Children's Home for six contracted beds for females.

The contracted beds at Becket Family of Services, Mount Prospect Academy have been regularly utilized and the program has a waitlist for placement.

Finding that the youth referred to the program required a greater intensity of services than anticipated, the Executive Director of Nashua Children's Home requested that the contract be terminated. The contract was terminated in August 2018. A new Request for Proposals (RFP) seeking an intensive residential treatment for a capacity of six females has been re-posted. This new RFP seeks to develop clinically intensive care to align with the recommendations of the Adequacy and Enhancement Assessment and the federal Family First Preventative Services Act of 2018.

- II. Whether the department has redeveloped the excess capacity at the Sununu youth services center to be used for an inpatient drug treatment facility for persons under the age of 18, including Medicaid eligible youth described in 2017, 156:166 and 167.**

Yes. The new inpatient facility began operations on November 15, 2018.

- III. Whether the department has updated all the policies, procedures, and practices of the Sununu youth services center utilized for the placement of children pursuant to RSA 169-B to reflect the requirements of and legislative intent of 2017, 156:157 through 175, and delivered a description of such modifications to the fiscal committee of the general court.**

As a result of and in anticipation to the changes in law and the preference that youth who can be safely treated in the community, should be treated in the community, the following programing changes have been made:

- Individual/family treatment has transitioned from a traditional psychotherapy to a focal treatment philosophy. The intent with this approach is to focus on the safety factors that can be mitigated quickly to return the juvenile to the community.
- All youth receive individualized treatment plans that will include treatment based on need. Youth and families will be able to take this plan forward when returned to the community to continue to address needs areas.
- All youth have the opportunity to participate and complete 12-15 therapeutic program hours a week. Therapies included, but not limited to: Individual, family, group, experiential, recreation, and psychiatric.
- Youth progress is measured by engagement and competencies rather than compliance and time.
- Enhanced transition planning in order to quickly connect juveniles and families to community resources.

Lastly, we are in the process of training SYSC staff on Trust Based Relational Intervention (TBRI). Two SYSC staff, participated in a 16 week course which included eight online modules of training in preparation for a five-day in person training/certification program they then attended in April 2018 in New Orleans, LA – provided by Texas Christian University (TCU). These staff are now certified as practitioners and educators in the TBRI model, with eligibility to train both DCYF staff and providers.

The two certified practitioner/educators are currently providing the 4-day TBRI training on a rolling basis to all SYSC residential and educational staff which is expected to be completed by the end of the year.

IV. Whether the department has satisfied the requirements of the following statutes and utilized, to the maximum feasible extent, the authority provided by the following statutes to limit and reduce the population of the Sununu youth services center:

(a) RSA 169-B:19, VI, relative to certification of Medicaid eligible treatment facilities for the transfer of minors from the Sununu youth services center;

The Department has established and maintains a substantial network of Medicaid-eligible residential treatment facilities within New Hampshire to which juvenile offenders can be transferred, in accordance with their level of need. Since the passage of HB 517, the Department has worked closely with partners to monitor the impact on programs, providers, and youth. Demand for these programs remains very high as evidenced by the continued need to utilize out-of-state treatment facilities. Most recently, the Department has been regularly engaging with the network of providers to consider the substantial enhancement of residential treatment required by the Family First Prevention Services Act of 2018. As of September 2018, Medicaid-eligible residential treatment facilities in New Hampshire include:

- Chase Home
- Crotched Mountain Group Home
- Dover Children's Home
- Easter Seal Boys Program
- Easter Seal Crisis Program
- Easter Seal Krol House
- Easter Seal - Lancaster Facility
- Easter Seal - Zachary Road
- Mount Prospect Academy CAST Program
- Mount Prospect Academy Sub-Acute Program
- Mount Prospect Academy Rumney Program
- Mount Prospect Academy Adventure Based Program
- Mount Prospect Academy Enhanced Treatment Program
- Nashua Children's Home
- Neurodevelopmental Institute of New Hampshire - THRIVE
- NFI North - Davenport
- Orion House
- Pine Haven Boy's Center Inc.
- Seacoast Treatment and Stabilization Center
- Spaulding Youth - Bridge Program
- Spaulding Youth - ED Program
- Spaulding Youth- NB Program
- Vermont Permanency Initiative Hall Farm (located in NH)
- Vermont Permanency Initiative Blake Farm (located in NH)
- Webster House
- Wediko Children's Services

(b) RSA 621:19, III, relative to discharge plans for minors committed to the Sununu youth services center; and

An initial discharge plan is submitted to SYSC from the Juvenile Justice Probation Officer within seven days. At the "Classification Meeting," which occurs within fourteen days of commitment to SYSC, the plan is reviewed by the classification team which includes JPPO (and Child Protection Service Worker, if applicable), clinical lead and staff, medical staff, school principal, the mentor coordinator, and the DCYF permanency specialist. This discharge plan must contain, at a minimum viable placement alternative with necessary services in the event the youth is to be discharged due to mitigation of safety risk, reduction of youth population pursuant to RSA 621:10, or a change in disposition. At the "Initial Meeting" which occurs no later than 30 days following commitment, the treatment team is convened and consists, minimally, of the JPPO, Parents, the clinician, school representative, and the youth. At this meeting the treatment plan is finalized with youth and parent input and the discharge plan is reviewed and updated. These plans are regularly considered throughout treatment interactions while at the facility and updated with the treatment team accordingly.

(c) RSA 621:19, IV, relative to quarterly review of nonviolent offenders committed to the Sununu youth services center.

A process was formalized to review all youth, including non-violent offenders, on a quarterly or more frequent basis to determine if the youth has mitigated the safety risk to self and community by demonstrating competencies designed by the treatment team through Assessment and Identification of Needs and Strengths. When the quarterly review reflects a mitigation of safety risk to self and community, the youth is discharged consistent with the discharge plan and treatment plan. The attached quarterly data report shows that each month between 8.5% and 22.6% of reviews resulted in a recommendation for discharge.

V. Whether the department has timely implemented their plan for reductions in staffing and other operating expenses.

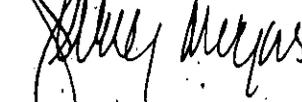
Effective June 30, 2018, SYSC was restructured to reduce expenses. This was accomplished by restructuring the program staffing. This resulted in the below staffing reductions:

	Full Time		Part Time	
	SFY 2018	SFY 2019	SFY 2018	SFY 2019
Administration	6	4	4	2
Maintenance	6	6	1	1
Material Management	1	1	1	
Medical	15	12	7	2
Dietary	5	5		
Rehabilitative Program	69	59	9	1
Education	23	17	1	
Total	125	104	23	6

The Honorable Mary Jane Wallner, Chairman
His Excellency, Governor Christopher T. Sununu
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Source of Funds 100% General Funds

Respectfully submitted,



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Commissioner

HB-517: SYSC QUARTERLY REPORT

3RD QTR, JUL-SEP 2018

SYSC POPULATION																			
	JUN			JUL			AUG			SEP			OCT			NOV			Comments
	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	
Youths Served	45	17	56	37	14	49	33	7	40	32	14	46	32	10	42	25	9	34	*Youth Served is the number of individuals who were at SYSC at any time during the month.
Admissions	8	12	20	8	4	12	4	4	8	6	9	15	10	3	13	7	6	13	*A Youth Served can be Detained and Committed in the same month. In June, 45 Committed Youth, 17 Detained Youth, and 56 Total Youth were served. 45+17=56 Youth were both committed and detained in June.
Discharges	15	7	22	9	11	20	6	2	8	11	7	18	14	7	21	3	5	8	*Average Daily Population is Youths who were at SYSC any time during that day. If a youth is there 11:59 PM to 12:01 AM, they are averaged as 2 full days.
Average Population	33.5	10.4	43.9	29.0	7.3	36.3	29.1	3.9	33.0	24.8	6.6	31.4	22.0	5.4	27.5	20.8	3.3	24.0	
Youth Days	994	301	1,295	900	225	1,125	902	122	1,024	743	199	942	682	167	849	624	99	723	

PAROLE																			
	JUN			JUL			AUG			SEP			OCT			NOV			Comments
	Grant	Deny	Cont																
TOTAL HEARINGS		7			15			9			11			11				11	*All hearings heard by the Parole Board during the Month.
Revocation Hearings	1	2	0	1	2	0	0	2	0	0	4	0	1	1	1	1	1	1	*Revocation hearings occur when a parole violator is returned to SYSC. The Board decides if the Youth remains at SYSC or is re-paroled.
3 Month	0	1	0	0	2	0	0	2	0	0	2	1	2	3	3	4	4	5	*Youth Committed under misdemeanor level charges have a hearing within 3 months.
6 Month	1	0	0	2	1	0	0	1	0	0	0	0	0	0	0	0	0	0	*Youth Committed under felony level charges have a hearing within 6 months.
2 Month Subsequent	1	0	0	2	0	0	1	1	0	0	0	0	0	0	0	0	0	0	*If parole is denied, the Youth will have a hearing within 2 months.
Paper Hearings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*If a Youth is out on parole, the Board may request a "paper hearing", to be updated on the case and monitor expected behavior.
Other Hearings	-1	0	0	4	1		2	0	0	4	0	0	-3	-5	-7	-9	-11	-13	*Other is any hearing before the board that does not meet any of the other categories.

TREATMENT RECOMMENDATIONS																			
	JUN			JUL			AUG			SEP			OCT			NOV			Comments
	#	%		#	%		#	%		#	%		#	%		#	%		
TOTAL MEETINGS			31			35			30			41							*When the Youth's SYSC Treatment Team meets, they make an assessment of the risks to the Youth and the community, and recommend whether to release or not.
Risk Mitigated, Release Recommended	7	22.6%		10	28.6%		8	26.7%		11	26.8%								Each Youth will have 0, 1, or >1 meeting per month, based on the pace of treatment, changing circumstances, staffing levels, etc.
Risk Not Mitigated, Release not recommended	24	77.4%		25	71.4%		22	73.3%		30	73.2%								

PREVIOUS PLACEMENTS AND PETITIONS																			
	JUN			JUL			AUG			SEP			OCT			NOV			Comments
	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	COM	DET	TOT	
# of Youth	45	17	56	37	14	49	33	7	40	32	14	46							*The average number of previous placements (NOT including the current SYSC placement) and petitions of Youth at SYSC. Total population average, and averages for Detained and Committed populations separately.
# of Petitions (Average)	10.53	10.00	10.63	10.89	11.14	10.92	11.42	5.86	10.45	10.81	7.57	8.83							
# of Placements (Average)	6.56	3.53	5.82	6.47	1.55	4.86	6.88	2.00	5.03	7.00	3.50	5.93							

INCIDENT REPORTS																			
	JUN			JUL			AUG			SEP			OCT			NOV			Comments
	R	S	R+S																
Major			37			24			17			18			26			13	*Major incidents can include fighting, contraband, multiple moderate rule infractions, directed threats or racial slurs, or many other things. Simply means that the Youth is eligible for highest level of consequences.
Moderate			8			5			2			6			5			6	*Moderate incidents can include general use of offensive language, multiple minor rule infractions, etc. Eligible for moderate consequences.
Accident / Illness / Injury			7			0			5			7			7			4	*Accident / Illness / Injury incidents are just documenting physical conditions of the Youth, no disciplinary consequences.
Allegation			0			1			1			0			0			0	*Allegation incidents are an accusation of either sexual harassment or assault. This results in an investigation and other facility responses according to federal guidelines under the Prison Rape Elimination Act (PREA)
Total Incidents			52			30			25			31			38			23	*126-U incidents are those major incidents that resulted in reportable restraints and/or seclusions as defined in the RSA.
Incidents Per Day			1.73			0.97			0.81			1.03			1.23			0.77	
RSA 126-U (Restraints and Seclusions)	R	S	R+S	*Major incidents can involve more than one Youth. RSA 126-U reports are reported for each Youth.															
Total RSA 126-U Reports	3	2	3	3	9	3	1	1	1	4	0	1	1	0	2	0	0	0	