



# STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

MAR09'22 PM12:13 RCVD

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March 8, 2022

The Honorable Karen Umberger, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

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

## REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Governor's Office for Emergency Relief and Recovery (GOFERR) to accept and expend funds in the amount of \$963,463 in American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF) for the Judicial Branch to provide temporary relief to address emergent guardianship needs to an unusually high number of indigent patients in need of guardian appointment before they are discharged from a hospital upon approvals of the Fiscal Committee and Governor and Executive Council through June 30, 2023. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(A) to respond to the public health emergency or its negative economic impacts. **100% Federal Funds.**

Funds are to be budgeted in FY2022 in the following account:

<u>01-02-002-020210-24690000<sup>1</sup> ARP Grants and Disbursement</u>		<u>FY2022</u>	<u>FY2022</u>	<u>FY2022</u>
<u>CLASS</u>	<u>ACCOUNT</u>	<u>CURRENT MODIFIED BUDGET</u>	<u>BUDGET REQUEST</u>	<u>REVISED BUDGET</u>
<b>EXPENDITURES</b>				
040 – Indirect Costs	501587	\$722,750	\$2,500	\$725,250
041 – Audit Fund Set Aside	500801	\$103,752	\$963	\$104,715
042 – Additional Fringe Benefits	500620	\$60,500	\$0	\$60,500
072 – Grants Federal	500575	\$45,170,850	\$0	\$45,170,850
085 – Interagency Xfer Out of Fed Funds	588510	\$0	\$960,000	\$960,000
103 – Contracts for Op Services	502507	\$3,500,000	\$0	\$3,500,000
<b>TOTAL EXPENSES</b>		<b>\$49,557,852</b>	<b>\$963,463</b>	<b>\$50,521,315</b>
<b>SOURCE OF FUNDS</b>				
000 – Federal Funds	400338	\$49,557,852	\$963,463	\$50,521,315
<b>TOTAL REVENUE</b>		<b>\$49,557,852</b>	<b>\$963,463</b>	<b>\$50,521,315</b>

<sup>1</sup> All direct program costs will be accounted for using activity 00FRF602PH0217A and all administrative and indirect costs will be accounted for using activity 00FRF602PH0217Z. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

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### EXPLANATION

With the increase in the need for medical services during the pandemic, there has been a corresponding need for guardians for some patients before they can be discharged from a hospital. Historically, the circuit court has relied on the Office of Public Guardian (OPG) and Tri-County CAP for appointment of guardians for indigent wards. Due to resource limitations, the OPG and Tri-County CAP are not currently accepting appointment of new guardianships. There is no indication that the situation will soon abate. While there are also professional guardians available, they are only available for wards that have sufficient assets to pay for the guardian. There is currently no fund to pay the cost of a guardian appointed by the court for indigent patient and a ward's ability to pay for a guardian can delay the discharge from the hospital, which makes that hospital bed unavailable for another patient and creates an increased backlog in the circuit courts. During a COVID surge, this delay strains an already burdened healthcare system. This is a presumptively eligible use of SFRF funds under FR 35.6 (b) (3) Enumerated uses; responses presumed reasonably proportional; subsection (i)(C) Behavioral Health and/or Public Sector Capacity Administrative Needs, FR 35.6 (b)(ii)(E) .

The judicial branch is seeking one-time funds to bridge the gap in guardians available for appointment to indigent wards until the caseloads of the OPG and Tri-County CAP abate.

Under this program, GOFERR will transfer ARP State Fiscal Recovery Funds to the New Hampshire Judicial Branch pursuant to terms and conditions set forth in an MOU to reimburse expenses incurred in appointing guardians to indigent patients/wards. The MOU will address the need for a date by which funds must be obligated sufficiently before 12/31/2024 so that any unobligated funds may be reallocated.

Funds are being budgeted in the classes listed below as follows:

Class 040 – Indirect Costs to recover, per by RSA 21-I:75, a proportional share of the outside funding source to alleviate agency indirect costs.

Class 041 – Audit Fund Set Aside to comply with RSA 124:16 that requires all agencies that receive federal funds to set aside a percentage (0.1%) of the federal revenue amount received to pay for financial and compliance audits.

Class 085 – Interagency Xfer Out of Fed Funds

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,



Taylor Caswell,  
Executive Director, GOFERR