

76

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF ADMINISTRATION

121 South Fruit Street
Concord, N.H. 03301-2412
Telephone 603-271-2152 · Fax 603-271-6702

LINDSEY B. COURTNEY
Interim Executive Director



HALLIE A. PENTHENY
Director of Finance

April 21, 2020

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

REQUESTED ACTION

Authorize the Office of Professional Licensure and Certification (OPLC), Division of Health Professions, Prescription Drug Monitoring Program (PDMP), to accept and expend an additional \$83,395, for the purpose of maintaining staffing and enhancing operations of the PDMP, upon Governor and Council approval **retroactively** from April 1, 2020, through June 30, 2021. Funding Source: **100% Transfer Funds** (Transfer from DOJ Federal Funds).

Funds are to be budgeted in FY2020 in the following account:

**01-21-21-215010-52030000 Office of Professional Licensure and Certification
Division of Health Professions**

Class	Description	FY20 Current Budget	Requested Action	FY20 Revised Budget
010-500100	PERSONAL SVCS PERM CLASS	\$186,724	\$0	\$186,724
020-500200	CURRENT EXPENSES	\$3,012	\$300	\$3,312
026-500251	ORGANIZATIONAL DUES	\$300	\$200	\$500
027-582703	TRANSFERS TO DOIT	\$2,700	\$0	\$2,700
028-582814	TRANSFERS TO GENERAL SVC	\$855	\$0	\$855
030-500301	EQUIPMENT NEW REPLACEMENT	\$17,604	\$0	\$17,604
038-509038	TECHNOLOGY-SOFTWARE	\$16,500	\$0	\$16,500
039-500192	TELECOMMUNICATIONS	\$1,846	\$0	\$1,846
042-500620	ADDITIONAL FRING BENEFITS	\$11,368	\$0	\$11,368
046-500464	CONSULTANTS	\$10,200	\$0	\$10,200
050-500109	PERSONAL SERVICE TEMP APPOIN	\$17,199	\$0	\$17,199
060-500602	BENEFITS	\$92,869	\$0	\$92,869

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

April 21, 2020

Page Two

Class	Description	FY20 Current Budget	Requested Action	FY20 Revised Budget
070-500707	IN STATE TRAVEL REIMBURSE	\$5,708	\$0	\$5,708
102-500731	CONTRACTS FOR PROGRAM SVCS	\$65,329	\$41,750	\$107,079
103-502507	CONTRACTS FOR OP SERVICES	\$19,435	\$0	\$19,435
	TOTAL EXPENSES	\$451,649	\$42,250	\$493,899
009-403574	AGENCY INCOME	\$128,102		\$128,102
00D-488520	FED REV XFERS FR OTH AGENC	\$195,788	\$42,250	\$238,038
00D-488590	FED REV XFERS FR OTH AGENC	\$127,759		\$127,759
	TOTAL REVENUE	\$451,649	\$42,250	\$493,899

Funds are to be budgeted in FY2021 in the following account:

**01-21-21-215010-52030000 Office of Professional Licensure and Certification
Division of Health Professions**

Class	Description	FY21 Current Budget	Requested Action	FY21 Revised Budget
010-500100	PERSONAL SVCS PERM CLASS	\$191,272	\$0	\$191,272
020-500200	CURRENT EXPENSES	\$2,500	\$300	\$2,800
026-500251	ORGANIZATIONAL DUES	\$300	\$200	\$500
027-582703	TRANSFERS TO DOIT	\$2,700	\$0	\$2,700
030-500301	EQUIPMENT NEW REPLACEMENT	\$2,047	\$0	\$2,047
038-509038	TECHNOLOGY-SOFTWARE	\$16,500	\$0	\$16,500
039-500192	TELECOMMUNICATIONS	\$1,440	\$0	\$1,440
042-500620	ADDITIONAL FRING BENEFITS	\$11,368	\$0	\$11,368
046-500464	CONSULTANTS	\$10,200	\$0	\$10,200
060-500602	BENEFITS	\$94,863	\$0	\$94,863
070-500707	IN STATE TRAVEL REIMBURSE	\$4,508	\$0	\$4,508
102-500731	CONTRACTS FOR PROGRAM SVCS	\$58,942	\$40,645	\$99,587
103-502507	CONTRACTS FOR OP SERVICES	\$1	\$0	\$1
	TOTAL EXPENSES	\$396,641	\$41,145	\$437,786
009-403574	AGENCY INCOME	\$71,313		\$71,313
00D-488520	FED REV XFERS FR OTH AGENC	\$196,893	\$41,145	\$238,038
00D-488590	FED REV XFERS FR OTH AGENC	\$128,435		\$128,435
	TOTAL REVENUE	\$396,641	\$41,145	\$437,786

EXPLANATION

This sub-grant is from federal funds that New Hampshire received from the U.S Department of Justice, Bureau of Justice Assistance, and Comprehensive Opioid Abuse Program (COAP) through a competitive grant process. This is the fourth time that New Hampshire has received this federal grant (FFY 2013, 2015, 2017, 2019). The objective of COAP funding is to strengthen and support enhancements of the PDMP to improve clinical decision-making and prevent the abuse and diversion of

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

April 21, 2020

Page Three

controlled substances.

The 2019 grant was awarded for a total of \$238,038 per year, but the current budgeted amount is \$195,788 for FY20, and \$196,893 for FY21. The current request is to accept and expend an additional \$83,395, which is the difference between the budgeted amount and the actual award. The request is **retroactive** due to the 2017 grant expiring on March 31, 2020, and the requirement that federal funds be applied continuously. The PDMP will use this sub-grant to complete several goals: First, to maintain current staffing levels, including the PDMP Program Manager and Administrative Assistant; second, to expand permissible data sharing by increasing interstate data connectivity with 13 additional states each grant year; third, to develop an online training system that is self-paced and customizable; and, finally, to evaluate the impact of the PDMP through surveying end users of the system.

The funds are being budgeted in:

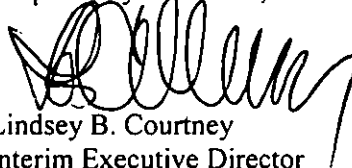
Class 020 – Current Expenses for the purchasing of office supplies, paper, and printer ink.

Class 026 – Organizational Dues for National Association of State Controlled Substances Authorities (NASCSA) – serves as a valuable resource for the monitoring activities and strategies targeted towards curtailing abuse, misuse and diversion of controlled substances.

Class 102 – Contracts for Programs Services for maintenance of PDMP database services delivered by Vendor for PDMP administration and approved practitioner query utilization, inclusive of ad hoc reports, prescriber reports, and opioid monitoring tools.

In the event that federal funds are no longer available, general funds will not be requested to support this program.

Respectfully submitted,



Lindsey B. Courtney
Interim Executive Director
Office of Professional Licensure & Certification

75 am

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 20, 2020

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301-6397

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice to enter into an Interoffice Memorandum of Understanding with the Office of Professional Licensure and Certification (Vendor # 311247-B001), for the purpose of maintaining staffing for the Prescription Drug Monitoring Program (PDMP), in an amount not to exceed \$714,113, effective upon Governor and Executive Council approval through September 30, 2022. 100% Federal Funds.

Funds are available in the following account for Fiscal Years 2020 and 2021, and are anticipated to be available in Fiscal Year 2022, upon the availability and continued appropriation of funds in the future operating budget, with the authority to adjust encumbrances between fiscal years, through the Budget Office, if needed and justified:

02-20-20-201510-2907,
Prescription Drug Monitoring Program,

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
085-588521, Grants Federal:	\$238,038	\$238,038	\$238,037

EXPLANATION

This subgrant is from federal funds that New Hampshire received from the U.S Department of Justice, Bureau of Justice Assistance, Comprehensive Opioid Abuse Program (COAP) through a competitive grant process. This is the fourth time that New Hampshire has received this federal grant (FFY 2013, 2015, 2017, 2019). The objective of COAP funding is to

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
March 20, 2020
Page 2 of 2


strengthen and support enhancements of PDMP's to improve clinical decision-making and prevent the abuse and diversion of controlled substances.

The PDMP at the Office of Professional Licensure and Certification will use this subgrant to complete several goals. First, to maintain current staffing levels including the PDMP Administrator, Administrative Assistant, and Data Analyst. Second, to expand data sharing by increasing interstate data connectivity with 13 additional states each grant year. Third, to develop an online training system that is self-paced and customizable. Finally, to evaluate the impact of the PDMP through surveying end users of the system.

In the event that federal funds are no longer available, general funds will not be requested to support this program.

Please let me know if you have any questions concerning this request. Thank you for your consideration.

Respectfully submitted,



Gordon J. MacDonald
Attorney General

#2684084

~~XXXXXXXXXX~~
State of New Hampshire
Interagency Memorandum of Understanding

Whereas, the New Hampshire Department of Justice ("NHDOJ") is a duly constituted agency of the State of New Hampshire;

Whereas, the New Hampshire Office of Professional Licensure and Certification ("OPLC") is a duly constituted agency of the State of New Hampshire;

Whereas, on September 30, 2019, NHDOJ was awarded a grant (Award # 2019-PM-BX-0023) by the United States Department of Justice, Bureau of Justice Assistance under the FY 19 Comprehensive Opioid Abuse Program (COAP), attached as Exhibit A.

Whereas, NHDOJ's application for the COAP grant proposed that OPLC would receive award funds through a subgrant for services described in Exhibit A, which is incorporated by reference, and NHDOJ is authorized under the grant award to make a subgrant to OPLC.

Whereas, NHDOJ desires to enter into a subgrant with OPLC for a term from Governor and Council approval through 09/30/2022 in an amount not to exceed \$714,113;

Whereas, NHDOJ is responsible for providing funding through a subgrant to OPLC as herein described in Exhibit B.

Whereas, OPLC is responsible for adhering to all conditions as set forth in their application, federal financial rules and all applicable state rules and regulations of procurement;

Whereas, OPLC desires to maintain staffing for the Prescription Drug Monitoring Program (PDMP);

Whereas, OPLC desires to maintain the PDMP Database.

NOW THEREFORE, the parties enter into this Memorandum of Understanding to their mutual benefit, the benefit of the State, and in furtherance of constitutional or statutory authority and objectives.

1. NHDOJ agrees to pay OPLC an amount not to exceed \$714,113 for their services described in the attached MOU Exhibit B, which is hereby incorporated by reference. Payment shall be provided from 020-20-20-201510-2017-085-500576, Prescription Drug Monitoring Program as follows:

<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>
\$238,038	\$238,038	\$238,037

2. OPLC agrees to perform the services described in the attached MOU Exhibit B, which is hereby incorporated by reference.

The method of payment and payment amount for the above-referenced services, if any is required, is described in the attached MOU Exhibit C, such exhibit being hereby incorporated by reference.

3. All obligations hereunder are contingent upon the availability and continued appropriation of funds. The agencies shall not be required to transfer funds from any other account in the event that funds are reduced or unavailable.
4. The Memorandum of Understanding is effective until 09/30/2022.
5. This Memorandum of Understanding may be amended by an instrument in writing signed by both parties. Either party may terminate this agreement by providing written notice to the other party at least 30 days prior to termination.
6. The parties agree that the obligations, agreements and promises made under this Memorandum of Understanding are not intended to be legally binding on the parties and are not legally enforceable.
7. Disputes arising under this Memorandum of Understanding which cannot be resolved between the agencies shall be referred to the NHDOJ, Civil Bureau, for review and resolution.
8. This agreement shall be construed in accordance with the laws of the State of New Hampshire.
9. The parties hereto do not intend to benefit any third parties and this Memorandum of Understanding shall not be construed to confer any such benefit.
10. In the event any of the provisions of this Memorandum of Understanding are held to be contrary to any state or federal law, the remaining provisions of this Memorandum of Understanding will remain in full force and effect.
11. This Memorandum of Understanding, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Memorandum of Understanding and understandings between the parties, and supersedes all prior Memoranda of Understanding and understandings related hereto.
12. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.

13. For NHDOJ, New Hampshire Department of Justice:



Thomas Kaempfer, Interim Director of Administration

Date: 3/6/20


14. For OPLC, Office of Professional Licensure and Certification



Lindsey Courtney, Interim Executive Director

Date: 3/6/20

15. Approved by the Attorney General (Form, Substance, and Execution)



Attorney

Date: 3/18/2020