

48  
Bonds

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

May 21, 2013

Her Excellency, Governor Margaret Wood Hassan  
And the Honorable Council  
State House  
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice to amend an item approved by the Governor and Council on December 5, 2012, item #39 by reallocating \$3,000 of the funds received from the Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS), to fund the New Hampshire Sudden Unexplained Infant Death research project effective upon the date of Governor and Council approval through June 30, 2013. 100% transfer from other agencies (origin – Federal funds).

The funds are to be budgeted in account #02-20-20-200510-5920, Department of Justice, Division of Public Protection, Sudden Unexplained Infant Death Research as follows:

		<i>FY'13</i>		
<u>Class</u>	<u>Description</u>	<u>Current Budget</u>	<u>Requested Action</u>	<u>New Budget</u>
020-500200	Current Expense	\$2,636.00	\$3,000.00	\$5,636.00
030-500300	Equipment New Replacement	\$1,750.00	\$0.00	\$1,750.00
050-500109	Personal Service Temp	\$7,660.00	-\$3,000.00	\$4,660.00
060-500608	Benefits	\$782.00	\$0.00	\$782.00
070-500704	In State Travel	\$175.00	\$0.00	\$175.00
080-500714	Out of State Travel	<u>\$4,966.00</u>	<u>\$0.00</u>	<u>\$4,966.00</u>
	Total	\$17,969.00	\$0.00	\$17,969.00
Revenue				
408163	Trans. from other agencies (origin-Federal)	\$17,969.00	\$0.00	\$17,969.00

## EXPLANATION

This grant received from the Department of Health and Human Services is to fund a Sudden Unexpected Infant Death (SUID) Registry for New Hampshire in the Department of Justice, Office of Medical Examiner. New Hampshire is one of seven sites participating in the pilot of a national Sudden Unexpected Infant Death Registry. Each year approximately 4500 infants die suddenly and unexpectedly. Approximately half of these SUID deaths are diagnosed as Sudden Infant Death Syndrome (SIDS). Since death certificates cannot fully describe the circumstances and events surrounding SIDS, better surveillance data including death scene investigation and medical record information is needed to monitor and understand trends and other causes of unexpected infant deaths.

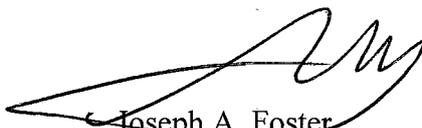
This transfer will allow the Office of the Medical Examiner to use the funds in current expense (class 020) for copying/handouts for the Safe Sleep campaign and anticipated mailings to health care providers. The funds are available in the personal services temp (class 050) due to the late hiring of the Data Control Clerk. The comprehensive case information being collected will provide improved diagnostics consistent with national standards and contribute to better recommendations by the State's Child Fatality Review Committee.

In the event these 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.

Your consideration is greatly appreciated.

Respectfully submitted,



Joseph A. Foster  
Attorney General

JAF/k  
#900518



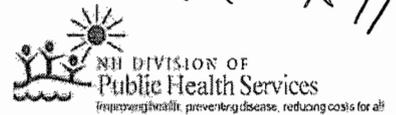
Nicholas A. Toumpas  
Commissioner

José Thier Montero  
Director

STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301-6527  
603-271-4517 1-800-852-3345 Ext. 4517  
Fax: 603-271-4519 TDD Access: 1-800-735-2964



INFO

HAC 10-5-12  
#39

October 19, 2012

G&C Approval Date:

G&C Item #:

His Excellency, Governor John H. Lynch  
and the Honorable Executive Council  
State House  
Concord, New Hampshire 03301

REQUESTED ACTION

1) Authorize the Department of Health and Human Services, Division of Public Health Services, Bureau of Population Health and Community Services, Maternal and Child Health Section, to accept and expend federal funds in the amount of \$5,761.00 from the Centers for Disease Control and Prevention to fund the New Hampshire Sudden Unexpected Infant Death Case Registry: Building Capacity **retroactive** to September 1, 2012 through June 30, 2013, and further authorize the funds to be allocated as follows:

05-95-90-902010-5906 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SERVICES, HHS: DIVISION OF PUBLIC HEALTH, BUREAU OF POPULATION AND COMMUNITY HEALTH SERVICES, SUID CASE REGISTRY

SFY 13

Class/Object	Class Title	Current Modified Budget	Increase (Decrease) Amount	Revised Modified Amount
000-408125	Federal Funds	14,147.33	5,761.00	19,908.33
000-000000	General Funds	0.00		0.00
<b>Total Revenue</b>		<b>\$ 14,147.33</b>	<b>\$ 5,761.00</b>	<b>\$ 19,908.33</b>
041-500801	Audit Fund Set Aside	17.30	6.00	23.30
049-500294	Transfer to Other State Agency	12,183.99	2,766.01	14,950.00
070-500704	In State Travel	0.00	434.99	434.99
080-500710	Out of State Travel	1,946.04	2,554.00	4,500.04
<b>Total Expenses</b>		<b>\$ 14,147.33</b>	<b>\$ 5,761.00</b>	<b>\$ 19,908.33</b>

2) Subject to approval of Item #1 above, authorize the Department of Health and Human Services, Division of Public Health Services, to enter into a Memorandum of Agreement with the Department of Justice (vendor # 177877-B001), 33 Capitol St., Concord, NH 03301, to continue the development of the Sudden Unexpected Infant Death Case Registry: Building Capacity **retroactive** to September 1, 2012 through June 30, 2013, in an amount not to exceed \$14,950.00. Funds are available in the following account for SFY13.

05-95-90-902010-5906 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SERVICES, HHS:  
DIVISION OF PUBLIC HEALTH, BUREAU OF POPULATION AND COMMUNITY HEALTH SERVICES, SUID  
CASE REGISTRY

Fiscal Year	Class/Object	Class Title	Job Number	Total Amount
SFY 2013	049-500294	Transfers to Other State Agencies	90080098	\$14,950.00

3) Subject to the approval of Item #1 and Item #2 above, authorize the Department of Justice to accept and expend federal funds in the amount of \$14,950.00 from the Department of Health and Human Services, Division of Public Health Services, to fund New Hampshire Sudden Unexpected Infant Death research **retroactive** to September 1, 2012 through June 30, 2013, and further authorize the funds to be allocated as follows:

02-20-20-200510-5920 DEPARTMENT OF JUSTICE, DIVISION OF PUBLIC PROTECTION, SUDDEN UNEXPLAINED INFANT DEATH RESEARCH

SFY 2013

Class/Object	Class Title	Current Modified Budget	Increase (Decrease) Amount	Revised Modified Amount
001-408163	Trans from Other State Agencies	3,019.00	14,950.00	17,969.00
<b>Total Revenue</b>		<b>\$ 3,019.00</b>	<b>\$ 14,950.00</b>	<b>\$ 17,969.00</b>
020-500200	Current Expense	84.00	2,552.00	2,636.00
030-500310	Part Time Salaries	1,750.00	0.00	1,750.00
050-500109	Part Time Salaries	323.00	7,337.00	7,660.00
060-500602	Benefits	221.00	561.00	782.00
070-500704	In-State Travel	175.00	0.00	175.00
080-500704	Out of State Travel	466.00	4,500.00	4,966.00
<b>Total Expenses</b>		<b>\$ 3,019.00</b>	<b>\$ 14,950.00</b>	<b>\$ 17,969.00</b>

#### EXPLANATION

These Requested Actions are identified as retroactive because the Notice of Grant Award was not received until August 30, 2012, not allowing time for these Requested Actions to be submitted prospectively.

Specific to Requested Action 1, retroactive approval is requested so that funding is available to allow the Division staff, the Project Coordinator, to attend the required Centers for Disease Control and Prevention grantee meeting in Atlanta on November 8-9, 2012, prior to anticipated approval by Governor and Council.

Specific to Requested Action 2 retroactive approval is requested so the activities and deliverables in the Memorandum of Agreement, which include requesting and entering the case information of all infants who die suddenly and unexpectedly into a national web-based data registry, and holding multi-disciplinary infant death review meetings can continue.

Specific to Requested Action 3 retroactive approval is requested so that funding is available to the Department of Justice, Office of the Chief Medical Examiner, for expenses for the activities of this agreement. This includes salary and benefit expenses for the part time Data Clerk to request and enter the case data, and travel expenses to allow the Chief Forensic Investigator, who coordinates the Office of the Chief Medical Examiner activities related to the grant, to attend the required Centers for Disease Control and Prevention grantee meeting in Atlanta that will take place on November 8-9, 2012, prior to approval date of Governor and Council. The Data Clerk position is a continuation of an existing part time position in the Department of Justice, Office of Chief Medical Examiner.

The Sudden Unexpected Infant Death Registry Program is a Cooperative Agreement between New Hampshire and Centers for Disease Control and Prevention to support data collection, reporting and analysis of Sudden Unexpected Infant Death. Each year in the United States, approximately 4,500 infants die suddenly and unexpectedly. Approximately half of these Sudden Unexpected Infant Death deaths are diagnosed as Sudden Infant Death Syndrome. Since death certificates cannot fully describe the circumstances and events surrounding Sudden Infant Death Syndrome, better surveillance data, including death scene investigation and medical record information is needed to accurately monitor and understand the trends of Sudden Infant Death Syndrome and other causes of Sudden Unexpected Infant Deaths.

A significant part of the funding will be used by the Department of Justice, Office of the Chief Medical Examiner, as outlined in the Memorandum of Agreement, to collect and enter into a web-based national case registry the de-identified case information on infants who die suddenly and unexpectedly in New Hampshire.

The comprehensive case information will also promote improved diagnosing by the New Hampshire Office of the Chief Medical Examiner consistent with national standards and contribute to better recommendations made by the state's Child Fatality Review Committee to reduce infant deaths. A limited number of funds will be retained by the Department of Health and Human Services to be used for the travel of a Maternal & Child Health Section staff member who is serving as the Project Coordinator to attend a mandatory grantee meeting.

Audit costs are included per state requirements.

Should Governor and Council not approve this request the Department of Justice will not be able to gather information on infants that die suddenly and unexpectedly in New Hampshire. Without this information, data on New Hampshire infants will not be included in the national case registry and will not promote improved diagnosing and reduction of infant deaths.

This agreement has the option to renew pending availability of funding, the agreement of the parties, and approval by Governor and Council.

The following performance measures will be used to measure the effectiveness of the agreement:

- 100% of all Sudden Unexpected Infant Death cases each year will be identified by the Project Data Clerk within 30 days of an infant death.
- 100% of all Sudden Unexpected Infant Death cases each year will have credible data collected and entered into the registry by the Project Data Clerk from data sources which include the death scene investigation form and the autopsy report.
- 100% of all Sudden Unexpected Infant Death cases each year will have case data entered by the Project Data Clerk into a web-based data collection system within 30 days of the case review.

In response to the anticipated two-part question, "Can these funds be used to offset General Funds?" and "What is the compelling reason for not offsetting General Funds?" the Division offers the following information: These funds may not be used to offset General Funds as they are specifically granted to the state for the purpose of providing the services described above.

These funds will not change the program eligibility levels. No new program will be established with the acceptance of these funds.

The geographic area to be served is the state of New Hampshire.

Attached is the Notice of Grant Award and award history. These funds are 100% Federal Funds.

His Excellency, Governor John H. Lynch  
and the Honorable Executive Council  
October 19, 2012  
Page 4

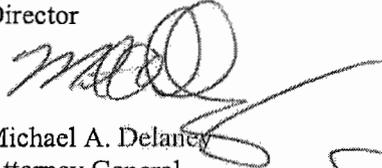
Notice of these funds was received on August 30, 2012. They were not added to the operating budget because these are new funds, recently granted to the state, and were not anticipated at the time the budget was developed. In the event that these Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,



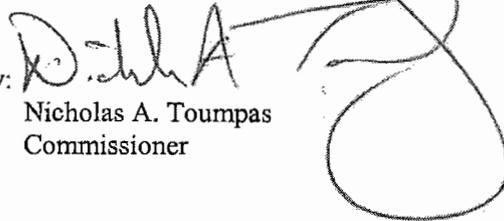
José Thier Montero, MD  
Director

Approved by:



Michael A. Delaney  
Attorney General

Approved by:



Nicholas A. Toumpas  
Commissioner

JTM/JAS/AK/baw

**MEMORANDUM OF AGREEMENT**  
**between the**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**and the**  
**DEPARTMENT OF JUSTICE**

**Retroactive to September 1, 2012 through August 31, 2015**

**Subject: Cooperation on Sudden Unexpected Infant Death Case Registry Building Capacity Grant**

This Memorandum of Agreement (MOA) describes activities that have been agreed to between the Department of Health and Human Services, Division of Public Health Services (DPHS), Bureau of Population Health and Community Services, Maternal and Child Health Section (MCH) and the Department of Justice (DOJ), Office of the Chief Medical Examiner (OCME) related to collaboration on a Sudden Unexpected Infant Death Registry Project.

This grant is the second Cooperative Agreement of funding from the Centers for Disease Control (CDC) for a Sudden Unexpected Infant Death Case Registry Project. MCH, in collaboration with the OCME, was one of seven states that had a previous grant for a Case Registry Pilot Project, which ended July 31, 2012. This new three year, Cooperative Agreement Building Capacity grant will continue the work of the previous pilot agreement.

This Agreement sets forth the roles and responsibilities of both DHHS and DOJ in carrying out the grant.

This MOA will take effect retroactive to September 1, 2012 and be in effect through August 31, 2015. This agreement has the option to renew pending availability of funding, the agreement of the parties, and approval by Governor and Council.

For the purposes of this Agreement, DHHS and DOJ agree to cooperate as follows:

**I. Department of Health and Human Services**

The Department of Health and Human Services, Division of Public Health Services, Bureau of Population Health and Community Services, Maternal and Child Health Section agrees to:

- 1. Accept and administer the cooperative agreement for the project.*
- 2. Serve as the Principal Investigator/Project Coordinator for the Cooperative Agreement.*
- 3. Assure that the Cooperative Agreement funds budgeted for the Office of the Chief Medical Examiner (OCME) will be paid to the OCME, Department of Justice (DOJ), through an interagency transfer approved by Governor and Council. Such funds will enable the OCME to carry out the identified responsibilities of the Cooperative Agreement.*
- 4. Provide the DOJ with funding in the amount of \$17,041 per grant year to fund the part-time services of a Project Data Control Clerk II, and to contribute to expenses necessary for the implementation of this project, as set forth in the project budget.*
- 5. Provide quarterly payment to DOJ upon receipt of an approved invoice based on actual costs incurred by the OCME.*

6. *Assist the OCME staff with project implementation.*
7. *Monitor the activities of the Cooperative Agreement as outlined in the Cooperative Agreement workplan.*
8. *Meet monthly or as indicated with the OCME staff to discuss the Cooperative Agreement activities carried out by the OCME staff.*
9. *Be responsible for assuring that any data reporting requirements requested by the Centers for Disease Control (CDC) are provided to the CDC.*
10. *Work with the OCME staff to obtain data and information necessary for monitoring the Cooperative Agreement and developing and writing any required reports.*
11. *Attend/participate in any CDC-required meetings, trainings, or presentations with the OCME staff as appropriate.*
12. *Obtain Vital Record information and newborn screening test results for the data collection of any infants who die suddenly and unexpectedly as of September 1, 2012 upon request from the OCME.*
13. *Carry out any quality assurance activities as outlined in the Cooperative Agreement narrative and/or workplan.*
14. *Work with the OCME staff to assure that all Sudden Unexpected Infant Deaths are reviewed within three months of the death.*
15. *Work with the Child Fatality Review Committee as indicated.*

## **II. Department of Justice**

The Department of Justice, Office of the Chief Medical Examiner, agrees to:

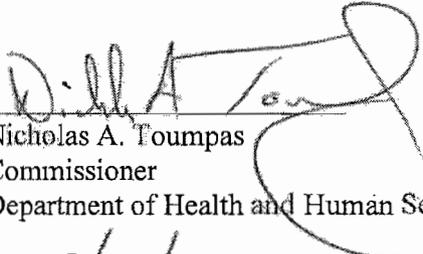
1. *Employ the position of Data Clerk II as outlined in the Cooperative Agreement application and job description.*
2. *Allow the Chief Medical Examiner or Chief Forensic Investigator to supervise the Data Clerk II to carry out the required responsibilities of the Cooperative Agreement.*
3. *Request and obtain access to, for the purpose of investigation and data collection for the infant death review and registry, information related to the sudden unexpected death of any infants as of September 1, 2012, from any sources of information including but not limited to: death scene investigation forms and reports, pathology and autopsy reports, infant medical records since birth, including newborn screening results, birth certificates, mother's prenatal and obstetric record, social service records, law enforcement records, and protective service records, in accordance with RSA 611-B:11.*

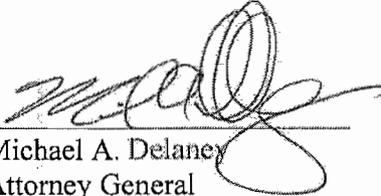
4. *Utilize grant funds for budgeted project-related expenses as outlined in the Cooperative Agreement budget if approved in advance by the Governor and Council. Reimbursement for the expenses will be paid to the Department of Justice, through an interagency transfer, which will enable the OMCE to carry out the identified responsibilities of the Cooperative Agreement.*
5. *Collaborate with the Project Director to carry out the requirements of the Cooperative Agreement including requesting and collecting the various data elements of the infant death, entering the data into the National Child Death Data web-based registry, generating data for analysis and reports, working with MCH staff to formulate the reports, attending any CDC-required trainings, meetings, and participating in presentations.*
6. *Cooperate with the Project Director on any project-related quality assurance activities as outlined in the Cooperative Agreement narrative and workplan.*

It Is Further Understood and Agreed Between DPHS, MCH and DOJ, OCME:

1. *That neither DHHS, DPHS, MCH nor DOJ, OCME will be responsible for any expenses or costs incurred by the OCME under this Agreement prior to the date of Governor and Council approval.*
2. *That the maximum amount of funds available for reimbursement under this Agreement from the DPHS shall be a total of \$17,041 per grant year with one hundred percent (100%) of those costs covered by funds provided by the Centers for Disease Control. Neither DPHS, nor the OCME will be responsible for any expenses or costs incurred by the OCME under this Agreement in excess of the above amounts unless additional funding is expressly authorized by the DPHS prior to the work being performed, agreement of the parties, and Governor and Council approval.*
3. *That OCME agrees to commence the project upon Governor and Council approval. Failure to meet this deadline without good cause may cancel the DPHS participation in this project, at the discretion of DPHS. Any remaining funds will be forfeited. DOJ is responsible for informing DPHS if any condition arises that may result in this deadline being unattainable.*
4. *DPHS agrees to provide funding based on the availability of CDC funds received for this program.*

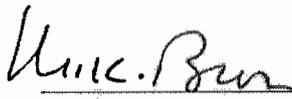
IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.

  
\_\_\_\_\_  
Nicholas A. Toumpas  
Commissioner  
Department of Health and Human Service  
9/13/12  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
Michael A. Delaney  
Attorney General  
Department of Justice  
10/4/12  
\_\_\_\_\_  
(Date)

**Attorney General** This is to certify that the above AGREEMENT has been reviewed by this office and is approved as to form and execution.

OCT 4, 2012  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
Assistant Attorney General

**Secretary of State** This is to certify that the GOVERNOR AND COUNCIL on \_\_\_\_\_ approved this AGREEMENT.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Attest)

\_\_\_\_\_  
(Secretary of State)

0010 General Fund  
 020 JUSTICE DEPT OF  
 AGENCY 001 SUID RESEARCH  
 Organization 5920 SUID RESEARCH

BUR/DIV 2000 JUSTICE DEPARTMENT  
 SUB-ORG 001 SUID RESEARCH  
 Acct Unit 59200000

Class	Appropriation	Est Revenue	Expenditures	Revenue	Encumbrances	Transfers	Lapsed	Bal Fwd	Available Rate
001	TRANSFERS FROM OTHER AGENCY	14,950.00-	0.00	3,185.88	0.00	0.00	0.00	3,027.99-	14,792.11- 0.00
020	CURRENT EXPENSES	0.00	158.63-	0.00	2,231.85-	0.00	0.00	84.29	245.81 .90
030	EQUIPMENT NEW REPLACEMENT	0.00	0.00	0.00	0.00	0.00	0.00	1,750.00	1,750.00 0.00
050	PERSONAL SERVICE TEMP APPOI	0.00	2,090.29-	0.00	0.00	0.00	0.00	322.85	5,569.56 .27
060	BENEFITS	0.00	159.93-	0.00	0.00	0.00	0.00	220.68	621.75 .20
070	IN STATE TRAVEL REIMBURSEME	0.00	0.00	0.00	0.00	0.00	0.00	174.98	174.98 0.00
080	OUT OF STATE TRAVEL REIMB	0.00	1,566.78-	0.00	0.00	0.00	0.00	466.24	3,399.46 .31
***Sub-Org***	14,950.00	14,950.00-	3,975.63-	3,185.88	2,231.85-	0.00	0.00	8.95-	3,030.55-
***Organization***	14,950.00	14,950.00-	3,975.63-	3,185.88	2,231.85-	0.00	0.00	8.95-	3,030.55-

**Faretra, Rosemary**

**From:** AKnight@dhhs.state.nh.us  
**Sent:** Friday, May 03, 2013 8:46 AM  
**To:** Faretra, Rosemary  
**Cc:** CLiane@dhhs.state.nh.us; Fallon, Kim; Patricia\_Tilley@dhhs.state.nh.us  
**Subject:** need to shift SUID grant funds in DOJ budget

Rosemary - since we have 4 months (sept. 2012 through January 2013) of unused salary and benefits that were allotted to the SUID Data Clerk position, and we now have current and future SUID current expenses that would exceed the \$3,062 allotted in the DOJ budget, could you please arrange to have the funds shifted in the budget? We need to get the funds used by the end of the grant year (Aug. 31), and now have valid grant-related activities for which we could use the unused funds. I realize you'll need to request this via G & C, and apologize for the extra work for you.

4 months should be \$4,358.30 (Salary of \$14.11 x 12 hrs/week x 22 weeks = \$3,725.04) plus benefits (17% = \$633.26)

It would be helpful to move at least \$3,000 of that \$4,358.30 into current expenses (unless you think we should move more, i.e. \$3,500). Anticipated current expenses include mass copying orders from Graphic Services of several handouts for the state Safe Sleep campaign and a summer mailing to health care providers, in addition to meeting expenses for a big July meeting when the feds visit.

Please let me know if this is possible.

Thanks,

Audrey

Audrey Knight MSN, RN  
Child Health Nurse Consultant  
Maternal and Child Health Section  
NH DHHS, Div. of Public Health Services

(603) 271-4536  
[aknight@dhhs.state.nh.us](mailto:aknight@dhhs.state.nh.us)