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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF MEDICAID BUSINESS AND POLICY

Nicholas A. Toumpas  
Commissioner

Kathleen A. Dunn  
Associate Commissioner

129 PLEASANT STREET, CONCORD, NH 03301-3857  
603-271-9422 1-800-852-3345 Ext. 9422  
Fax: 603-271-8431 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

June 4, 2015

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Authorize the Department of Health and Human Services, Division of Community Based Care Services, Bureau of Behavioral Health to establish a consultant list of six Attorneys and engage them as required to provide legally required representation for certain individuals admitted to New Hampshire Hospital at a price limitation not to exceed \$60,800.00, effective July 1, 2015, or date of Governor and Executive Council approval, whichever is later, through June 30, 2017. Funds are anticipated to be available in the account as listed below for State Fiscal Years 2016 and 2017, upon the availability and continued appropriation of funds in the future operating budgets.

**05-95-92-920010-7003 HEALTH AND SOCIAL SERVICES, DEPT. OF HEALTH AND HUMAN SVCS, HHS: BEHAVIORAL HEALTH – DIV OF, DIV OF BEHAVIORAL HEALTH, COMMITMENT COSTS**

<u>Class/Object</u>	<u>Class Title</u>	<u>Activity Code</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Estimated Total</u>
108-500751	Provider Payments – Legal Services	92127003	\$30,400.00	\$30,400.00	\$60,800.00

**EXPLANATION**

Individuals subject to revocation of conditional discharge, emergency medication administration or emergency transfer to the New Hampshire Hospital's Secure Psychiatric Unit have an unconditional constitutional right to legal counsel at such hearings or upon readmission to New Hampshire Hospital as provided in New Hampshire RSA 135-C:52, He-M 609, He-M 306 and He-M 311. These hearings occur sporadically and without forewarning making it very difficult to have the services of any one Attorney available at a specific time or to budget specific amounts for contracts with individual Attorneys. The establishment of a list of available Attorneys along with authorization to engage them as required to provide services will ensure the availability of legal counsel to individuals so entitled.

The Bureau of Behavioral Health seeks approval of the attached list of Attorneys to provide legal representation for the following services:

1. hearings appealing the revocation of his/her conditional discharge in accordance with RSA 135-C:52  
He-M 609;
2. hearings to obtain an emergency 45-day order to administer medications involuntarily in accordance with He-M 306 and;
3. hearings for emergency transfer to the Secure Psychiatric Unit in accordance with He-M 311.

The Bureau of Behavioral Health currently uses these six attorneys to provide the services as addressed above and has been satisfied with the services provided. A list of the Attorneys is attached. The rate of reimbursement for this service was set by the Bureau of Behavioral Health to be paid on a per hour rate established by the New Hampshire Supreme Court in indigent defense cases. The rate will continue to be \$60.00 per hour with a maximum payment of \$300.00 per case.

Area served: statewide.

Source of funds: 100% general funds.

Respectfully submitted,



Kathleen A. Dunn, MPH  
Associate Commissioner

Approved by:



Nicholas A. Toumpas  
Commissioner

BUREAU OF BEHAVIORAL HEALTH  
ATTORNEYS

Providing legal representation for:

- Appeal hearings for conditional discharge revocations
- Hearings to obtain emergency 45 day order to administer medication
- Hearings for emergency transfer to the Secure Psychiatric Unit

Rate: \$60 per hour with a \$300 cap per case.

Funding: 05-95-92-920010-70030000-108-500751

Lauren S. Vallari 83 Clinton Street Concord, NH 03301 Vendor #: 164385	Charles G. Glover 3 North Spring Street, Suite 101 Concord, NH 03301 Vendor #: 163579
Earl Carrel Backus, Meyer & Branch, LLP 116 Lowell Street PO Box 516 Manchester, NH 03105 Vendor #: 174182	Amy Davidson PO Box 625 Contoocook, NH 03229 Vendor #: 159722
Carol Chellman 155 Fleet Street Portsmouth, NH 03801 Vendor #: 218140	Ellen Purcell 383 Central Ave, Suite 315 Dover, NH 03820 Vendor #: 218300