CONSENT CALENDAR

November 15, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Finance to which was referred HB 521-FN-A,

AN ACT relative to the department of education payment for placement for an episode of treatment.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Joseph Pitre

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Finance**
Bill Number:	**HB 521-FN-A**
Title:	**relative to the department of education payment for placement for an episode of treatment.**
Date:	**November 15, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE 25-0**

STATEMENT OF INTENT

The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed.

Vote 25-0.

Rep. Joseph Pitre
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Finance

HB 521-FN-A, relative to the department of education payment for placement for an episode of treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 521-FN-A

BILL TITLE: relative to the department of education payment for placement for an episode of treatment.

DATE: November 14, 2023

LOB ROOM: 210-211

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Pitre Seconded by Rep. Heath Vote: 25-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 521-FN-A

BILL TITLE: relative to the department of education payment for placement for an episode of treatment.

DATE: 11/14/23

LOB ROOM: 210-211

MOTION: (Please check one box)

☐ OTP ☑ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Pitre Seconded by Rep. Heath Vote: 25-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ✓ **YES** ____ **NO**

Minority Report? ____ Yes ✓ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____
Rep Joseph Pitre, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

11/14/2023 10:17:23 AM
Roll Call Committee Registers Report

2023 SESSION

Finance

Bill #: HB 521 FN-A **Motion:** ITL **AM #:** _____ **Exec Session Date:** 14 NOV 23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	25		
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
~~Edwards, Jess C.~~ KOFFMAN	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane	13		
Nordgren, Sharon L.	14		
Leishman, Peter R.	15		
Buco, Thomas L.	16		
Huot, David O.	17		
Heath, Mary	18		
Murray, Kate R.	19		
Ebel, Karen E.	20		
Telerski, Laura D. SHORTED	21		
Hakken-Phillips, Mary A.	22		
Stringham, Jerry M.	23		
Grassie, Chuck W.	24		
TOTAL VOTE:	25	0	

HOUSE COMMITTEE ON Finance

BILL NUMBER: HB 521-FN-A

BILL TITLE: relative to the department of education payment for placement for an episode of treatment.

DATE: March 28, 2023

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

Rep. Weyler, Chair

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 521-FN-A

BILL TITLE: relative to the department of education payment for placement for an episode of treatment.

DATE: March 28, 2023

LOB ROOM: 210-211

MOTIONS: **RETAINED**

Moved by Rep. Emerick Seconded by Rep. Pitre Vote: 25-0

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 521-FN-A

BILL TITLE: relative to the department of education payment for placement for an episode of treatment.

DATE: 3/28/23

LOB ROOM: 210-211

MOTION: (Please check one box)

☐ OTP ☐ ITL ☑ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Emerick Seconded by Rep. Pitre Vote: 25-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? ____ Yes ✓ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____
Rep Joseph Pitre, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:48:27 PM
Roll Call Committee Registers Report

2023 SESSION

Finance

Bill #: HB521 EN-A Motion: Ought AM #: _____ Exec Session Date: 28 MAR 23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	25		
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
Edwards, Jess C.	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane	13		
Nordgren, Sharon L.	14		
Leishman, Peter R.	15		
Buco, Thomas L.	16		
Hatch, William A.	17		
Huot, David O.	18		
Heath, Mary	19		
Murray, Kate R.	20		
Ebel, Karen E.	21		
Telerski, Laura D.	22		
Hakken-Phillips, Mary A.	23		
Stringham, Jerry M.	24		
TOTAL VOTE:	25	0	

HOUSE COMMITTEE ON Finance

DIVISION II WORK SESSION ON HB 521-FN-A

BILL TITLE: **relative to the department of education payment for placement for an episode of treatment.**

DATE: **September 12, 2023**

ROOM: **209** **Time Work Session Called to Order: 1:00 pm**

Time Adjourned: 2:00 pm

(please circle if present)

Committee Members: Emerick, Pitre, Bean, Popovici-Muller, Buco, Heath, K. Murray and Hakken-Phillips

Bill Sponsors:
Rep. Layon **Rep. Popovici-Muller** **Rep. Hill**
Rep. Sheehan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Chairman **Weyler** participated in the Work Session.

Rep. **Pitre** moved ITL, seconded by Rep. **Heath**. Motion adopted 9-0, voice vote.

Respectfully submitted,

Rep. Popovici-Muller
Clerk, Division II

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:52 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division II

ITL

Bill #: 521 **Motion:** PITRE/WORTH **AM #:** _____ **Exec Session Date:** _____

9-0 VOICE VOTE

Members WOYLER	YEAS	Nays	NV
Emerick, Tracy Chairman			
Pitre, Joseph A. Vice Chairman			
Bean, Harry H.			
Popovici-Muller, Daniel			
Buco, Thomas L.			
Heath, Mary			
Murray, Kate R.			
Hakken-Phillips, Mary A.			
TOTAL VOTE:			

HOUSE COMMITTEE ON Finance

DIVISION II WORK SESSION ON HB 521-FN-A

BILL TITLE: **relative to the department of education payment for placement for an episode of treatment.**

DATE: **March 7, 2023**

ROOM: **209** **Time Work Session Called to Order: 11:24 a.m.**

Time Adjourned: 13:22 p.m.

(please circle if present)

Committee Members: Emerick, Pitre, Bean, Popovici-Muller, Buco, Heath, K. Murray and Hakken-Phillips

Bill Sponsors:
Rep. Layon **Rep. Popovici-Muller** **Rep. Hill**
Rep. Sheehan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Revised FN 3/7/23

Rep. **Pitre** moved to Retain, seconded by Rep. **Murray**. Motion adopted 6-0.

Respectfully submitted,

Rep. Daniel Popovici-Muller
Clerk, Division II

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:52 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division II

Bill #: HB52(A)N **Motion:** RETAIN 1AUG2 **AM #:** _____ **Exec Session Date:** 3/7/23

Members	YEAS	Nays	NV
Emerick, Tracy Chairman	X		
Pitre, Joseph A. Vice Chairman MOTION	X		
Bean, Harry H.	X		
Popovici-Muller, Daniel	X		
~~Buco, Thomas L.~~	—		
Heath, Mary	X		
Murray, Kate R. SECOND	X		
~~Hakken-Phillips, Mary A.~~	—		
TOTAL VOTE:	6	0	

LBA
23-0496
Revised 3/7/23

HB 521-FN-A FISCAL NOTE
AS INTRODUCED

AN ACT relative to the department of education payment for placement for an episode of treatment.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

The Office of Legislative Budget Assistant is still awaiting information from the Department of Health and Human Services in response to this bill. The Department was originally contacted on 12/28/22 for a fiscal note worksheet.

METHODOLOGY:

The Department of Education (DOE) states this bill offers payments for students who have been placed through the Department of Health and Human Services (DHHS) System of Care through their Fast Forward program. This allows students to receive the services they need for an episode of treatment for appropriate mental health or medical treatment through a voluntary process. These students would have previously been placed through the court system by Children in Need of Services (CHINS), which is an involuntary placement. This bill will assist districts in covering the education costs for this student while receiving treatment by using the existing court ordered placement funds that are provided for districts. In the 2021-2022 school year DHHS supported 50 students in receiving episodes of treatment. Some of these students would have previously gone through the court process and thereby would have been eligible for court ordered placement funds. Ultimately, DOE is unable to estimate this bill's impact on state expenditures in FY 2024 and each year thereafter.

It should be noted that under current law, should the cost for court ordered placements exceed budgeted amounts, the Department is authorized to draw a warrant for necessary general funds to make required payments.

AGENCIES CONTACTED:

Department of Education and Department of Health and Human Services

HB 521-FN-A - AS INTRODUCED

2023 SESSION

23-0496
05/08

HOUSE BILL ***521-FN-A***

AN ACT relative to the department of education payment for placement for an episode of treatment.

SPONSORS: Rep. Layon, Rock. 13; Rep. Popovici-Muller, Rock. 17; Rep. Hill, Merr. 2; Rep. Sheehan, Hills. 43

COMMITTEE: Education

ANALYSIS

This bill defines episode of treatment and addresses department of education payment for placement for an episode of treatment.

The bill is a request of the department of education.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 521-FN-A - AS INTRODUCED

23-0496
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the department of education payment for placement for an episode of treatment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Education of Children Placed in Homes for Children, Health Care Facilities, or State Institutions; Episode of Treatment. Amend RSA 193:27 by inserting after paragraph VI the following new paragraph:

VII. "Episode of treatment" means when a child needs to be placed by the department of health and human services (DHHS) in a DHHS-contracted and/or certified program to receive more intensive treatment and supports and has the objective of helping children in crisis avoid or reduce the use of psychiatric hospitals or emergency rooms.

2 Court Ordered Placements; Purpose and Application of Chapter. Amend RSA 196-F:1 to read as follows:

169-F:1 Purpose and Application of Chapter. This chapter shall apply to any court ordered placement ***or placement for an episode of treatment as defined in RSA 193:27, VII,*** of any minor pursuant to RSA 169-B or any child pursuant to RSA 169-C or RSA 169-D, for the purposes of the effective implementation of any such placement.

3 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements ***and episodes of treatment*** under RSA 186-C:19-b. The state may designate up to $250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance to mitigate the impact of special education costs. The state may designate up to an additional $250,000 of the funds which are appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents to mitigate the impact of special education costs when emergency assistance is necessary to prevent significant financial harm to such district or community. Upon application to the commissioner of

education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain children with disabilities, it shall not receive special education aid for those same children with disabilities. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting special education cost increases in their special education programs as provided by this paragraph.

3 New Paragraph; Special Education; State Aid; Rulemaking by State Board of Education. Amend RSA 186-C:18,V by inserting after subparagraph (f) the following new subparagraph:

(g) Administering and distributing payment for episode of treatment costs as defined in RSA 193:27, VII.

4 Liability for Children with Disabilities in Certain Court Ordered Placements. Amend RSA 186-C:19-b to read as follows:

186-C:19-b Liability for Children With Disabilities in Certain Court Ordered Placements.

I.(a) As used in this section "children in placement for which the department of health and human services has financial responsibility" means all children receiving special education or special education and related services whose placements were made pursuant to RSA 169-B, 169-C, or 169-D, except children at the youth development center and children placed at the youth services center maintained by the department of health and human services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

(b) In the case of an out-of-district placement ***or placement for an episode of treatment***, the appropriate court shall notify the department of education on the date that the court order is signed, ***or the need for an episode of treatment is determined,*** stating the initial length of time for which such placement is made. This subparagraph shall apply to the original order ***or determination*** and all subsequent modifications of that order ***or determination***.

II. The school district liability for expenses for special education or for special education and related services for a child with a disability in placement for which the department of health and human services has financial responsibility shall be limited to 3 times the estimated state average expenditure per pupil, for the school year preceding the year of distribution. The liability of a school district under this section shall be prorated if the placement is for less than a full school year and the district shall be liable for only the prorated amount. This section shall not limit a school district's financial liability for children who receive special education or special education and related services in a public school or program identified in RSA 186-C:10.

(a) Any costs of special education or special education and related services in excess of 3 times the estimated state average expenditure per pupil for the school year preceding the year of distribution shall be the liability of the department of education. Costs for which the department of education is liable under this section shall be paid to education service providers by the department

of education. The department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section. ***Any costs of special education or special education and related services related to an episode of treatment and the determination of placement by the department of health and human services shall be covered in full for students with disabilities by the department of education.***

(b) The department of health and human services shall be liable for all court-ordered ***and episode of treatment*** costs pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 other than for special education or special education and related services.

(c) The department of education shall distribute special education payments under subparagraph II(a) within 60 days of receipt of invoice from the school district. School districts shall submit education service providers costs to the department within 30 days of receipt of such costs. The department shall then verify the cost and distribute the appropriate amounts to the education service provider.

III. The department of education shall by rules adopted under RSA 541-A establish the rates charged by education service providers to the department of education or to school districts for children with disabilities in placement for which the department of health and human services has financial responsibility.

IV. The department of education is authorized to receive and take appropriate action on complaints regarding the failure to provide necessary special education or special education and related services to children with disabilities in placement for which the department of health and human services has financial responsibility.

V. All appropriations made for the purposes of funding court-ordered placements ***and episodes of treatment*** shall be nonlapsing.

5 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0496
1/9/23

HB 521-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT department of education payment for placement for an episode of treatment.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Education