

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 670-FN-A, establishing a developmental services oversight commission; relative to membership and duties of the incapacitated and vulnerable adult fatality review committee; relative to reporting requirements regarding the death of a child in residential care; and relative to the registry of founded reports of abuse, neglect, or exploitation of vulnerable adults.

Hearing Date: February 18, 2026

Time Opened: 11:08 a.m.

Time Closed: 11:46 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent : None

Bill Analysis: This bill establishes a developmental services oversight commission, revises membership and duties of the incapacitated and vulnerable adult fatality review committee, revises reporting and investigation requirements regarding reports of abuse of vulnerable adults, and revises notification and reporting requirements regarding abuse of minors in institutional residential settings.

Sponsors:

Sen. Rochefort

Sen. Pearl

Sen. Ward

Sen. Rosenwald

Sen. Perkins Kwoka

Sen. Gannon

Sen. Carson

Sen. McGough

Sen. Birdsell

Who supports the bill: Sen. Rochefort, Sen. Pearl, Sen. Ward, Sen. Rosenwald, Isadora Rodriguez-Legendre (NH Council on Developmental Disabilities), Louis Esposito (ABLE NH), Martha Hickey, Bianca Gentil (Waypoint NH), Lisa Beaudoin (Strategies for Disability Equity), Karen Rosenberg (Disability Rights Center – NH), Andrew Horn, Karen Blake, Melissa Whaley, Marissa Berg (Community Support Network, Inc.), Sandra Pelletier (Gateways Community Services), Dawn McKinney (NH Legal Assistance), Alicia Buono, Laura Morin, Leah Feroce, Erin Kerwin, Sarah Poole, Carolyn George, Daniel Richardson, Sally Patton, Nicole Sheaff, Georgina Lambert, Amy Teas, Karen McDowell, Jenny Thibeault, Lisa DiMartino (Home Possible Project, Inc.), Jennifer Belmont-Earl, Elizabeth Greeno, Adam Thompson, Clyde Cherico, Ian M. Howes, Lisa Steadman, Andrea Weiss, Efstathia Booras, Regan Lamphier, Michelle St. John, Richard Crocker, Barbara Spike, and Jennifer Curran.

Who opposes the bill: No one.

Who is neutral on the bill: Chris Bond and Jenny Duval (NHDOJ).

Summary of testimony presented:

Senator David Rochefort, Senate District 1

- Senator Rochefort explained that this bill came about in response to an exposé of developmentally disabled care and treatment. This highlighted areas of concern in which oversight needs to be increased.
- He emphasized that this is a vulnerable community. It is the state's responsibility to ensure there is care and accountability.
- This bill focuses on strengthening the Developmental Services Oversight Commission by clarifying the positions and criteria of the Commission. The bill was developed with collaboration of the Department of Health and Human Services (DHHS), the Disability Rights Commission, and legislators.
- The goal of this bill is to take action now and ultimately strengthen oversight and reporting.
- Senator Rochefort introduced an amendment that clarifies some points missed in the initial drafting of the bill.

Dr. Jenny Duval and Chris Bond, New Hampshire Department of Justice

- The Department of Justice shares the goal of preventing avoidable deaths and improving oversight in developmental services and the vulnerable adult system.
- The Department has some concerns with the bill as drafted. The definitions of "incapacitated" and "vulnerable" used in the bill pull new obligations on to the office of the Chief Medical Examiner. These broad definitions, coupled with the obligation of the Chief Medical Examiner to report such deaths to the Incapacitated and Vulnerable Adult Fatality Review Committee, would sweep in the vast majority of all adult deaths.
- As written, this would be a significant additional resource burden on the Department. The Department is interested in working on an amendment.
- Senator Rochefort asked if Mr. Bond has seen the amendment, as it updates the definition of "vulnerable adult." Mr. Bond noted that he has not yet seen it.
- As the Chief Medical Examiner, Dr. Duval is a member of the Incapacitated and Vulnerable Adult Fatality Review Committee.
- Dr. Duval stated that there were approximately 4,500 adult deaths reported to the Office of the Chief Medical Examiner last year. Her concern is that this volume of reports would overwhelm resources.
- Senator Rochefort emphasized that this was not the intent and asked for feedback on the amendment.
- Mr. Bond noted that they also may have thoughts on the role of the Chief Medical Examiner in these situations as well.

Isadora Rodriguez-Legendre, New Hampshire Council on Developmental Disabilities

- The systems and policies currently in place are evidently not enough to support people in the community and ensure their wellbeing and safety.
- The New Hampshire Council on Developmental Disabilities is in support of establishing a commission with legislators that can discuss how to improve the system in real time.
- It is important to have access to data. This bill calls for and strengthens the ability to access real time data, which can be used to ensure that this kind of thing does not happen again.
- Ms. Rodriguez-Legendre recommended that the Council be included as a member of this commission.
- Senator Avard asked what kind of data Ms. Rodriguez-Legendre is referring to, and she explained that it is data about abuse and how different agencies can ensure things, such as criminal background checks, are being completed.

Louis Esposito, ABLE New Hampshire

- Mr. Esposito explained that he has supported hundreds of people with disabilities throughout his career. He emphasized that neglect and abuse have been at the forefront of families' thoughts and trust has been significantly damaged.
- Mr. Esposito told a story about a former student. He explained that they did not necessarily have the ability to report neglect and abuse. He emphasized that it is not always easy to identify someone who is being abused.
- Mr. Esposito said we need to start looking at the accountability of the system and making sure trust is built back up for families.
- Senator Avard asked for an example of how trust is being broken, and Mr. Esposito explained that one of the most consistent fears of parents is what will happen to their children when they pass away because they must put their trust in community and residential programming after relying on schools.

Martha Hickey

- Ms. Hickey told a personal story about her son with autism. Her family placed their son in a farm-like environment for his love of animals once he expressed a desire to live more independently. While they did their due diligence, an anonymous report was filed to the Department of Health and Human Services within 48 hours of placement. It was found that the facility was negligent in caring for him and providing medications. Ms. Hickey's son came home with escalated behaviors that took months to resolve.
- Ms. Hickey's hope is that the departments tasked with addressing these issues will start communicating with each other.

Karen Rosenberg, Disability Rights Center – New Hampshire

- Ms. Rosenberg stated that she is speaking in support of the bill.
- The Disability Rights Center was involved in developing several sections of this bill, especially the portions strengthening the Incapacitated and Vulnerable Adult Fatality Review Committee. The purpose of the Committee is to examine deaths and make recommendations as to how they may be prevented in the future.
- The intent of the amendment is to ensure the Committee receives the referrals they need to examine. Ms. Rosenberg acknowledged concerns about it being too broad and noted that she has been speaking with the Attorney General's Office. She emphasized that discussions are ongoing.
- The bill also strengthens reporting of incidents involving serious bodily injury or death of people receiving state-funded residential services. The intent is to close silos, ensure these cases get the attention they need, and prevent future incidents.

Andrew Horn

- Mr. Horn stated that he is speaking in support of the bill and emphasized that these are people, not just cases.
- He provided an amendment to the bill, requiring that at least two Committee members have disabilities themselves chosen from within the represented agencies.
- We cannot analyze these deaths without the voices of those who understand what it means to live with disability.
- This bill will ensure that the next tragedy is prevented, rather than repeated.

Karen Blake

- Ms. Blake stated that she is speaking in support of the bill.
- She has an adult child who experiences developmental disability, and Ms. Blake does not know what the future holds for him. She has great concern for both his safety and the safety of others in this situation.
- Ms. Blake supports the idea of establishing a commission, but wonders how it will work with the Developmental Disability Quality Council. This is a robust group that meets regularly to discuss quality and safety for these individuals.

Marissa Berg, Community Support Network, Inc.

- Ms. Berg stated that she is speaking in support of the bill.
- She noted the possible duplication of effort between the proposed commission and the New Hampshire Developmental Disability Quality Council. There is concern that this duplication could create some level of confusion.

- Ms. Berg noted that the Council is required to have at least 51% of members be people with disabilities. She suggested that there be discussions with Council members if an amendment were to be drafted.
- Ms. Berg emphasized that the other sections of the bill will do a great deal in advancing safety and quality services for people with disabilities in New Hampshire.

Lisa Beaudoin, Strategies for Disability Equity

- Ms. Beaudoin stated that she is speaking in support of the bill.
- She emphasized that families are terrified and frustrated. She said that the articles from the New Hampshire Bulletin are not unknown to the Bureau of Developmental Services, DHHS, and other entities.
- The issue is that we do not have sufficient warning flags or a rubric for accountability. We need better pattern recognition, corrective action, and a rubric for accountability.
- Ms. Beaudoin emphasized that we need to begin with holding people accountable. She explained that the Council has been demanding data from DHHS for years and there has been institutional non-compliance stopping the Council from executing its legislative mandate.