SB 670-FN-A - AS AMENDED BY THE HOUSE

03/12/2026 1046s
7May2026... 1516h

2026 SESSION

26-3258
05/07

SENATE BILL ***670-FN-A***

AN ACT establishing a developmental services oversight commission; 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.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Pearl, Dist 17; Sen. Ward, Dist 8; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Gannon, Dist 23; Sen. Carson, Dist 14; Sen. McGough, Dist 11; Sen. Birdsell, Dist 19

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill establishes a developmental services oversight commission, 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.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT establishing a developmental services oversight commission; 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.

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

1 New Subdivision; Developmental Services Oversight Commission. Amend RSA 171-A by inserting after section 34 the following new subdivision:

Developmental Services Oversight Commission

171-A:35 Developmental Services Oversight Commission.

I. There is established the developmental services oversight commission to continuously and effectively assure the health and welfare of participants receiving home and community based 1915(c) waiver services within the developmental services system. The commission is tasked with reviewing data submitted by the department of health and human services related to health and safety to make recommendations to improve outcomes for individuals receiving developmental services.

II. Legislative members of the commission shall serve a term coterminous with their term in office.

III. All public members shall serve 3-year terms. Notwithstanding RSA 14:49, II(c), the members of the commission shall be as follows:

(a) Two members of the senate, appointed by president of the senate.

(b) Two members of the house of representatives, appointed by speaker of the house of representatives.

(c) The director of the division of long term supports and services, or designee.

(d) The bureau chief of the bureau of developmental services, or designee.

(e) The administrator of adult protective services, or designee.

(f) An administrator with the department of health and human services, certification and licensing bureau.

(g) A representative of the department of health and human services, division of program quality and integrity.

(h) One member representing the area agency system, appointed by the governor.

(i) Three members representing the private providers, appointed by the governor.

(j) The executive director of the governor's commission on disability.

(k) One representative of the Disability Rights Center (DRC), appointed by that organization.

(l) Two parents of individuals receiving services from the developmental services system, appointed by the governor.

(m) Two individuals receiving services from the developmental services system, appointed by the governor.

IV. The commission shall provide recommendations to strengthen health and safety outcomes in developmental services system. At a minimum, the commission shall:

(a) Identify areas of best practice and provide recommendations related to improvements to the health and safety of individuals served.

(b) Review quarterly satisfaction surveys conducted by service coordinators for individuals receiving services through the developmental disabilities (DD), in-home supports (IHS), and acquired brain disorder (ABD) 1915(c) home and community-based services waivers and provide recommendations for quality improvement to the department.

(c) Review training requirements in policy and administrative rule and make recommendations for additional or modified training.

(d) Review available department of health and human services licensing and certification data.

(e) Review the DD, IHS, and ABD 1915 (c) waivers' performance measures as presented by the department to the center for medicare and medicaid services and provide recommendations to the department regarding improving the care based on the performance measures.

(f) Provide feedback on proposed changes to state administrative rules and laws.

(g) Solicit input from the developmental services quality council, established in RSA 171-A:33.

V. The first meeting of the oversight commission shall be called by the first-named senate member, who shall serve as the chairperson. Thereafter, the commission shall elect a chairperson from among the members every 3 years, or when a vacancy occurs in that position. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eleven members of the commission shall constitute a quorum.

VI. Following each meeting, commission members will identify items appropriate for further action and determine when those items can be brought back to the commission.

VII. The department shall provide consultative and administrative support to the commission and comply with all reasonable data requests.

VIII. Beginning November 1, 2026, and annually thereafter, the commission shall provide a report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, the oversight committee on health and human services established in RSA 126-A:13, the governor’s office, and the commissioner of health and human services.

IX. The meetings shall be open to the public and subject to the provisions of RSA 91-A.

2 Position Established; Appropriation.

I. The classified position 21-1090 MISC SOC SVC SPECS-6 is established in the department of health and human services to support the developmental services oversight commission established in section 1 of this act.

II. The sum of $52,000 for the biennium ending June 30, 2027, which shall not lapse until June 30, 2027, is hereby appropriated to the department of health and human services for the purpose of funding the position established in paragraph I. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

3 New Paragraphs; Elderly and Adult Services; Reports and Investigation of Adult Abuse. Amend RSA 161-F:46 by inserting after paragraph III the following paragraphs:

IV. Any residential service provider caring for vulnerable adults shall notify the commissioner or designee, the bureau of licensing and certification, the attorney general, and the state's federal protection and advocacy agency in cases involving serious bodily injury or death. For purposes of this section, a residential services provider is a provider licensed or certified to provide services to vulnerable adults that are:

(a) Supported by the 1915c home and community-based Medicaid waiver program;

(b) At a state-owned or state-operated facility, including, but not limited to, New Hampshire hospital and Glencliff home; or

(c) At Hampstead hospital and residential treatment facility.

V. The notification shall be provided within 7 days of the death or serious bodily injury and shall include the following information:

(a) The resident's name, age, and last known address.

(b) The date of death or incident resulting in serious bodily injury.

(c) The name(s) and contact information for the residential services provider and vendor, if applicable.

(d) The name and contact information of the resident's next of kin and, if under guardianship, the guardian's name and contact information.

(e) A description of the injuries sustained, medical care administered, and, if applicable, the suspected cause of death.

VI. The department shall annually notify each area agency as defined in RSA 171-A:2, I-b, community mental health program as defined in RSA 135-C:2, IV, state-owned or operated facility, including, but not limited to, New Hampshire Hospital and Glencliff Home, Hampstead Hospital and Residential Treatment Facility, and each certified residential services provider of their responsibilities under this section and provide contact information for the agencies to be notified.

VII. The commissioner may adopt rules under RSA 541-A relative to enforcement of this section.

4 Elderly and Adult Services; Registry. Amend RSA 161-F:49 to read as follows:

161-F:49 Registry.

I. There shall be established a state registry at the department for the purpose of maintaining a record of information on each founded report of abuse, neglect, or exploitation toward an individual [~~by a paid or volunteer caregiver, guardian, or agent acting under the authority of a power of attorney or any durable power of attorney~~]. The registry shall be confidential and subject to rules on access established by the commissioner of the department under RSA 541-A. Unfounded reports shall not be maintained on the registry. The department shall maintain statistical, non-identifying information on founded reports as the department determines is necessary to track and address trends. For the purposes of this section:

(a) "Individual" means an individual, 18 years of age or older, who is a vulnerable adult, as defined under RSA 161-F:43, VII.

(b) "Investigator" means a person designated or employed by the department, in accordance with a protocol developed by the department to ensure objectivity, thoroughness, timeliness, and uniformity in methodology and format in the conduct of investigations and investigation reports. [~~An investigator may include an investigator employed by an area agency or a community mental health center, if designated by the department.~~]

(c) "Perpetrator" means a person who, following a protective investigation completed in accordance with RSA 161-F:42 through RSA 161-F:57, is found to have abused, neglected, or exploited a vulnerable adult.

(d) "Volunteer" means a person who provides voluntary services through any agency, program, or facility.

II. Within 5 business days of completion of an investigation of abuse, neglect, or exploitation of an individual [~~by a paid or volunteer caregiver, guardian, or agent acting under the authority of a power of attorney or any durable power of attorney~~], the investigator shall provide a summary of the investigation to the commissioner, or designee. Except as provided in paragraph IV, for a founded report, the commissioner, or designee, shall, within 5 business days, notify the perpetrator:

(a) Of the founded report against him or her and that such information shall be entered on the registry and the consequences of such a finding.

(b) Of the right to contest the finding by appealing within 10 business days.

(c) Of the right to receive a full and fair administrative hearing, including the right to be represented by counsel at his or her own expense.

(d) Of the right to appeal an adverse administrative hearing decision to the probate court in accordance with paragraph V.

(e) That he or she may petition the probate court to expunge the report from the registry pursuant to RSA 161-F:49, X.

III. In response to a written request from an employer identified in paragraph VII, the commissioner, or designee, shall notify the employer:

(a) Relative to a prospective or current employee, consultant, contractor, or volunteer who is not on the registry of that fact within 5 business days of receipt of a request from the employer.

(b) Relative to a prospective or current employee, consultant, contractor, or volunteer who is on the registry of that fact within 5 business days of receipt of the request from the employer, and the department shall include in the notice the date the person was placed on the registry.

IV. A founded report of abuse, neglect, or exploitation, and other information the commissioner deems appropriate, shall be entered on the registry upon[~~:~~

~~(a) Expiration of the 10-business-day period for appeal when the perpetrator does not request an appeal.~~

~~(b)~~] ***the department's decision and shall be removed after 7 years unless*** an administrative hearing officer [~~sustaining~~] ***or the probate court overturns*** the finding[~~, unless an appeal is filed in accordance with paragraph V and an order of stay is issued by the probate court~~].

V. If the finding is sustained after an administrative hearing, a perpetrator shall have the right to appeal as follows:

(a) A perpetrator may file a petition in the Merrimack county probate court to review the final order by the commissioner, or designee, within 30 days of the date of the final order. Jurisdiction to hear such appeals is vested in the Merrimack county probate court.

(b) At the earliest practical time, the court shall review the record as developed before the commissioner, or designee, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the commissioner, or designee, or order that oral argument be held. As justice may require, the court may remand the case to the commissioner, or designee, for further findings or rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the commissioner, or designee, shall not be raised before the probate court. The burden of proof shall be upon the appellant to show that the decision of the commissioner, or designee, was clearly unreasonable or unlawful, and all findings of the commissioner, or designee, upon all questions of fact properly before him or her shall be deemed to be prima facie lawful and reasonable. The order or decision appealed from shall not be vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence, that the order is unjust or unreasonable.

(c) No new or additional evidence shall be introduced in the probate court. The case shall be determined upon the record and evidence transferred, except that in any case, if it shall be

necessary in order that no party shall be deprived of any constitutional right, or if the court determines that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake, or misfortune could not have been offered before the commissioner, or designee, it shall remand the case to the commissioner, or designee, to receive and consider such additional evidence.

VI. If it is determined by the commissioner, or designee, or after a hearing requested pursuant to subparagraph II(c) that a founded report was caused by factors beyond the control of the perpetrator, then the finding shall not be entered onto the registry as founded.

VII. All employers of programs which are licensed, certified, or funded by the department to provide services to individuals shall be required before hiring a prospective employee, consultant, contractor, or volunteer who may have contact with individuals to submit his or her name, for review against the registry to determine whether the person is on the registry. The employer shall not hire the prospective employee, consultant, contractor, or volunteer if he or she is listed on the registry unless the employer requests and obtains a waiver from the department to hire such person. The employer, upon receiving notice that a prospective employee, consultant, contractor, or volunteer is on the registry and in order to determine whether to request a waiver from the department, may request permission from the prospective employee, consultant, contractor, or volunteer for the authority to obtain further information about a founded report of abuse, neglect, or exploitation. An employer [~~may, with the consent of a~~] ***shall be required for any*** current employee, consultant, contractor, or volunteer, ***to annually*** submit his or her name for review against the registry. All employers, upon learning that the name of a current employee, consultant, contractor, or volunteer of their agency is on the registry shall take immediate action to ensure the safety of the individuals in their care. Such action may include, but is not limited to, termination[~~, training,~~] ***or*** re-assignment[~~, probationary employment, and/or the provision of direct supervision of the employee, consultant, contractor, or volunteer when working with individuals~~]. ***No employee shall be allowed to care for a vulnerable individual if their name is on the registry.***

VIII. Any person hiring or employing a paid or volunteer caregiver, consultant, or contractor directly, or through an authorized representative or fiscal intermediary, to provide personal care services, as defined in RSA 161-E or RSA 161-I, may, with the consent of the current or prospective caregiver, consultant, contractor, or volunteer, submit his or her name for review against the registry and, if he or she is on the registry, and with the further permission of the current or prospective caregiver, consultant, contractor, or volunteer, obtain information about any founded report. Any person considering designating another to serve as his or her agent under a power of attorney or any type of durable power of attorney may, with the consent of the proposed agent, submit the proposed agent's name for review against the registry. The person shall not be required in such situations to obtain a waiver prior to hiring a person on the registry.

VIII-a. It shall be unlawful for any employer other than those specified under this section to require as a condition of employment that the employee submit his or her name for review against the registry of founded reports of abuse, neglect, or exploitation and any violation of this provision shall be punishable as a violation.

IX. Founded reports of abuse, neglect, or exploitation shall be retained on the registry for a period of 7 years subject to the perpetrator's right to petition for the earlier removal of the report from the registry as provided in this section.

X. Any perpetrator whose name is listed in the founded reports maintained on the state registry may petition the probate court to have a founded report expunged from the registry as follows:

(a) A petition to expunge shall be filed in the probate court where the petitioner resides or where the abuse, neglect, or exploitation occurred.

(b) A petition to expunge shall be filed on forms provided by the probate courts. The petition shall include certified copies of the petitioner's criminal record and may include any other information the petitioner deems relevant.

(c) When a petition to expunge is filed, the probate court shall require the department to report to the court concerning any additional founded abuse, neglect, or exploitation reports relative to the petitioner and shall require that the petitioner submit the petitioner's name, birth date, and address to the state police to obtain information about criminal convictions. The court may require the department to provide any additional information that the court believes may aid it in making a determination on the petition.

(d) Upon the receipt of the department's report, the court may act on the petition without further hearing or may schedule the matter for hearing at the request of either party. If the court determines that the petitioner does not pose a present threat to the safety of individuals and has exhibited best efforts to eliminate the likelihood of reoccurrence of the type of behavior that resulted in his or her entry onto the registry, the court shall grant the petition and order the department to remove the founded report from the registry. Otherwise, the petition shall be denied.

XI. The department shall, in the notice it sends out pursuant to RSA 161-F:49, II(a), notify the perpetrator of his or her right to petition to have his or her founded report expunged from the registry. No petition to expunge a founded report shall be brought within one year from the date that the report was initially entered on the registry. If the petition to expunge is denied, no further petition shall be brought more frequently than every 3 years thereafter.

XII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Setting forth the process and criteria for requesting and granting a waiver pursuant to RSA 161-F:49, VII.

(b) Safeguarding the confidentiality of and access to the registry except for the functions necessary to comply with this section. Such safeguards shall include limitations on which persons in an employment situation may request and access the founded reports on the registry.

5 New Section; Child Protection Act; Deaths of Children in Institutional Residential Care. Amend RSA 169-C by inserting after section 37 the following new section:

169-C:37-a Deaths of Children in Institutional Residential Care.

I. In cases involving the death of a child placed in any group home or child care institution as defined in RSA 170-E:25 or certified by the department for the care of children under this chapter, in any state owned or operated residential treatment program, or the youth development center or its successor facility, the residential services provider shall notify the attorney general, the state's federal protection and advocacy agency for individuals with disabilities, and the bureau of licensing and certification, child care licensing unit.

II. The notification required under this section shall be provided within 7 days of the child's death and shall include the following information:

(a) The child's name and age;

(b) The date of death or incident resulting in serious injury;

(c) The name and contact information for the child's parent or, if parental rights have been terminated, the name and contact information for the child's next of kin;

(d) The name(s) and contact information for the residential services provider; and

(e) A description of the suspected cause of death.

III. The department of health and human services shall annually notify each of the facilities described in this section of their reporting responsibilities, including contact information for the agencies to be notified.

IV. The commissioner may adopt rules under RSA 541-A relative to the enforcement of this section.

6 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect July 1, 2026.

III. The remainder of this act shall take effect 60 days after its passage.

LBA
26-3258
04/06/2026

SB 670-FN-A- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2026-1046s)

AN ACT establishing a developmental services oversight commission; 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.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	$276,000+ general funds; $52,000 federal funds	$80,000+ general funds; $55,000 federal funds	$83,000+ general funds; $57,000 federal funds
Funding Source(s)	General funds, federal funds			
Appropriations*	$0	$52,000	$0	$0
Funding Source(s)	General Fund			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill establishes a developmental services oversight commission tasked with reviewing data and making recommendations to strengthen health and safety outcomes in the developmental services system. The bill establishes a classified position within the Department of Health and Human Services to provide oversight to the commission, and appropriates $52,000 in FY27 for this purpose.

In addition to establishing an oversight commission, the bill imposes new requirements relative to reports and investigation of adult abuse, and makes revisions to the state registry that maintains records of abuse allegations. The Department states that these provisions may impact costs in a variety of ways. Fatality review reporting and the new seven-day provider notification requirement are expected to have moderate administrative impacts, primarily related to incident screening, intake, and coordination. Based on an estimated screening time of approximately 20–30 minutes per incident and an estimated volume of 100–200 reports per month, the additional workload is projected to be approximately 600–1,200 staff hours annually, or roughly 0.5–1.0 full-time equivalent positions (FTE), which the Department notes may initially be manageable within existing resources.

Other provisions, such as those expanding registry eligibility beyond caregivers, requiring annual employer registry checks, and removing the waiting period before registry placement, may significantly increase the number of administrative reviews and appeals, resulting in corresponding increases in administrative hearings and legal review. The magnitude of this increase is indeterminable.

The Department assumes that the position established by the bill will cost $104,000 in FY27, $109,000 in FY28, and $114,000 in FY29. Of this, approximately half is expected to be funded with federal funds, so the $52,000 general fund appropriation in FY27 is sufficient to finance the state share in FY27. The Department assumes that the various other changes contained in the bill will necessitate IT modifications costing $200,000 in FY26, as well as a part-time paralegal position to support the additional registry appeals resulting from expanded eligibility registry. This position is projected to cost $24,000 in FY27, $52,000 in FY28, and $26,000 in FY29. Both the IT costs and the paralegal position are expected to be fully generally funded.

AGENCIES CONTACTED:

Department of Health and Human Services