

HB 751-FN - AS INTRODUCED

2025 SESSION

25-0268

05/11

HOUSE BILL ***751-FN***

AN ACT relative to certification of alcohol and other substance misuse treatment facilities.

SPONSORS: Rep. McLean, Hills. 15; Rep. Newell, Ches. 4; Rep. Paquette, Hills. 25; Rep. Prudhomme-O'Brien, Rock. 13; Sen. Long, Dist 20

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill provides for certification of substance use treatment programs by the department of health and human services. The bill also directs the department to establish within the office of the ombudsman, a behavioral health specialist dedicated to complaint investigations regarding substance use and mental health treatment programs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to certification of alcohol and other substance misuse treatment facilities.

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

1 1 Purpose and Findings.

2 I. New Hampshire has invested heavily to build a substance use treatment system capable
3 of meeting the needs of individuals and families. Still, parts of the system remain largely unknown,
4 and state health officers have no oversight or regulatory authority to ensure high quality services
5 and protect patients within parts of the system.

6 II. New Hampshire requires licensure both for individuals clinicians and residential
7 treatment facilities. However, there is no licensure or certification requirement or other regulatory
8 standards for out-patient treatment organizations. In many cases, this leaves the state uncertain
9 who is operating where, and what quality of services they provide. This leaves patients at risk of
10 substandard service, abuse and misconduct, and undermines the effectiveness of New Hampshire's
11 overall substance use treatment system.

12 2 New Hampshire Substance Use Disorder Services System. Amend RSA 172:1, IX-a to read as
13 follows:

14 IX-a. "Client" means a person who voluntarily seeks substance abuse treatment [~~as provided~~
15 ~~by the office of alcohol and drug abuse prevention through its agents or substance abuse treatment~~
16 ~~contractors~~].

17 3 New Hampshire Substance Use Disorder Services System. Amend RSA 172:1, XXIV to read
18 as follows:

19 XXIV. "Certified substance abuse treatment facility" means a facility [~~funded in part or in~~
20 ~~whole by the office of alcohol and drug abuse prevention, and~~] certified **or licensed by the**
21 **department of health and human services** under rules adopted pursuant to RSA 541-A.

22 4 New Hampshire Substance Use Disorder Services System. Amend RSA 172:2-a to read as
23 follows:

24 172:2-a State Substance Use Disorder Services System Established.

25 **I.** The commissioner shall provide for the scientific care, treatment, and rehabilitation of
26 individuals with substance use disorders and their families, and work towards the prevention of, and
27 assist in the control of, alcohol and drug misuse within the state through education, treatment,
28 community organization, and research. The department shall establish, maintain, implement, and
29 coordinate a system of substance use disorder treatment services under this chapter. This system
30 shall be supervised by the commissioner. [~~With the exception of a youth drug treatment center~~
31 ~~required to be operated by a non-governmental entity at the Sununu youth services center, at the~~

1 ~~discretion of the commissioner,]~~ The department may directly operate and administer any program
2 or facility which provides, or which may be established to provide, services to persons with substance
3 use disorders or may enter into a contract with any individual, partnership, association, public or
4 private, for profit or nonprofit, agency or corporation for the operation and administration of any
5 such program or facility.

6 ***II. Subject to available funding, the commissioner shall establish, pursuant to rules***
7 ***adopted under RSA 541-A, a certification process for substance use treatment programs***
8 ***and facilities operating in the state of New Hampshire. Programs and facilities required***
9 ***to be certified shall include those providing one or more outpatient services, including***
10 ***medically managed outpatient, intensive outpatient, high-intensity outpatient, partial***
11 ***hospitalization, and medically managed intensive outpatient. Nonclinical recovery***
12 ***support services, including but not limited to individual and group recovery coaching and***
13 ***12-Step Programs, independent practitioners, facilities licensed under RSA 151, the***
14 ***programs and facilities in the system of mental health services established by RSA 135-C:3,***
15 ***and other providers identified by the commissioner, shall be exempt from certification.***

16 ***III. The commissioner shall adopt rules under RSA 541-A, relative to:***

17 ***(a) Certification procedures, requirements, and exemptions for substance use***
18 ***treatment programs and facilities.***

19 ***(b) Certification and renewal fees.***

20 ***(c) The scope and content of training requirements for substance use treatment***
21 ***programs and providers.***

22 ***(d) The scope and content of education materials for providers and clients to***
23 ***understand complaint procedures.***

24 ***(e) Public access to findings of investigatory and monitoring reports, and final***
25 ***decisions made relative to certification.***

26 ***IV. All fees received from certification under this section shall be kept in a***
27 ***nonlapsing fund known as the substance use treatment certification fund, which shall be***
28 ***kept separate and distinct from all other funds. The fund shall be continually***
29 ***appropriated to the department of health and human services to fund to the certification***
30 ***process for substance use treatment programs and facilities operating in the state of New***
31 ***Hampshire. The commissioner may accept gifts, grants, donations, or other funding from***
32 ***any source and shall deposit all such revenue received into the fund. The state treasurer***
33 ***shall invest the moneys deposited in the fund as provided by law. Interest earned on***
34 ***moneys deposited in the fund shall be deposited into the fund.***

35 ***V. The department shall maintain and regularly update on its website a publicly***
36 ***available listing of all programs and facilities certified under this chapter.***

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1 5 New Subparagraph; Dedicated Funds; Substance Use Treatment Certification Fund. Amend
2 RSA 6:12, I(b) by inserting after subparagraph (399) the following new subparagraph:

3 (400) Moneys deposited in the substance use treatment certification fund under RSA
4 172:2-a.

5 6 New Hampshire Substance Use Disorder Services System. Amend RSA 172:2-c to read as
6 follows:

7 172:2-c Community Substance Use Disorder Treatment Programs.

8 **I.** Any city, county, town, or any individual, partnership, association, public or private, for
9 profit or nonprofit, agency or corporation may establish and administer a community substance use
10 disorder treatment program for the purpose of providing substance use disorder treatment services
11 to individuals, families, and organizations in the area. Every program shall, at a minimum, provide
12 substance use disorder screening and evaluation, case management, and outpatient counseling
13 services. The department may contract with a community substance use disorder treatment
14 program, pursuant to RSA 172:2-a, for the operation and administration of any services that are part
15 of the state substance use disorder treatment system. In the event that the commissioner decides to
16 enter into a contract for the operation and administration of any services which are part of the state
17 substance use disorder treatment system, the contract shall contain standards designed to measure
18 the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal
19 integrity, and providing quality services. The commissioner shall adopt rules, pursuant to RSA
20 172:8-b, to establish criteria for designating substance use disorder treatment programs under this
21 chapter.

22 **II. No person may establish, maintain, operate, or conduct any program or facility**
23 **for substance use treatment without any certification required by the department under**
24 **RSA 172:2-a.**

25 **III. Every facility or program certified under RSA 172:2-a shall pay a certification**
26 **fee to the commissioner for deposit in the fund established under RSA 172:2-a.**

27 7 Department of Health and Human Services, Department Established; Office of the
28 Ombudsman. Amend RSA 126-A:4, III to read as follows:

29 III. The department shall establish an office of the ombudsman to provide assistance to
30 clients of the department by investigating and resolving complaints regarding any matter within the
31 jurisdiction of the department including services or assistance provided by the department or its
32 contractors. The ombudsman's office may provide mediation or other means for informally resolving
33 complaints. The records of the ombudsman's office shall be confidential and shall not be disclosed
34 without the consent of the client on whose behalf the complaint is made, except as may be necessary
35 to assist the service provider to resolve the complaint, or as required by law. **Subject to available**
36 **funding, the department shall designate within the office of the ombudsman a person as**
37 **the behavioral health specialist dedicated solely to investigate and resolve complaints to**

1 *promote the health, safety, welfare, or civil or human rights of any person receiving the*
2 *treatment or services of a substance use or mental health treatment facility.*

3 8 Repeal. The following are repealed:

4 I. RSA 172:1, XXV, relative to the definition of certified alcohol and drug abuse counselor.

5 II. RSA 171:2, XXIX, relative to the definition of designated drug counselor.

6 9 Effective Date. This act shall take effect upon its passage.

**HB 751-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to certification of alcohol and other substance misuse treatment facilities.

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

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$50,000 to \$75,000	\$50,000 to \$75,000	\$50,000 to \$75,000
<i>Revenue Fund(s)</i>	Substance use center certification fees			
Expenditures*	\$0	\$872,000	\$389,000	\$399,000
<i>Funding Source(s)</i>	General Fund Substance Use Treatment and Certification Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill establishes a certification process for substance use treatment programs and facilities operating in the state of New Hampshire. The Department of Health and Human Services would be required to maintain a publicly available listing of all certified programs and facilities, as well as all investigatory reports, monitoring reports, and final decisions made relative to certification. In addition, the bill establishes a new substance use treatment certification fund. All fees received from certification will be kept in the separate fund. The Department notes that certification rates are intended to be based on the revenue needed to support operation of the program, but operational costs may be greater than reasonable fees will allow, resulting in a need for additional general funds. Finally, the bill states that the Department shall designate an individual within its Ombudsman's office to investigate and resolve complaints to promote the health, safety, welfare, and civil or human rights of anyone receiving treatment at substance use or mental health treatment facilities. The bill expressly notes that the Department's new responsibilities are subject to available funding.

The Department states that although the total number of substance use treatment agencies is unknown, there are 65 individual organizations enrolled with Medicaid as substance use disorder outpatient groups or programs, with a total of 106 separate sites. There are also agencies that are not enrolled with Medicaid, as well as fluctuation in agencies opening and

closing over time. In addition, the bill includes residential facilities within its definition of treatment programs and facilities. The Department estimates a total of 50-150 agencies in need of certification, requiring four additional staff: three Licensing and Evaluation Coordinators and one Supervisor IV, at a total cost of \$322,000 in FY25, \$339,000 in FY26, and \$349,000 in FY27. In addition, the Department anticipates a one-time IT infrastructure cost of \$500,000 in FY26. The Department notes that although the program is intended to be self-funded through the substance use treatment and certification fund, the positions will need to be filled before any revenues are received, resulting in a general fund cost in the first year of implementation.

With respect to the responsibilities added to the Ombudsman's Office, the Department anticipates costs of up to \$50,000 per year to cover training for existing Ombudsman personnel, as well as for certified providers.

AGENCIES CONTACTED:

Department of Health and Human Services