

SB 127-FN-A - AS AMENDED BY THE SENATE

03/13/2025 0772s

2025 SESSION

25-1002

09/11

SENATE BILL

127-FN-A

AN ACT

relative to public guardianship and the office of the public guardian and making appropriations to the department of health and human services.

SPONSORS:

Sen. Avard, Dist 12

COMMITTEE:

Health and Human Services

AMENDED ANALYSIS

This bill authorizes hospitals seeking to assist older adults or adults with a disability with discharge from a hospital setting to a less restrictive setting to seek to have a guardian or conservator appointed by the probate court, and makes appropriations to the department of health and human services to fund guardianship slots.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 public guardianship and the office of the public guardian and making appropriations to the department of health and human services.

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

1 1 New Section; Long-Term Care; Guardianship Contracted Services. Amend RSA 151-E by
2 inserting after section 27 the following new section:

3 151-E:28 Guardianship Contracted Services.

4 I. When all other resources are exhausted, hospitals seeking to assist older adults or adults
5 with a disability as defined in RSA 151-E:24 with discharge from a hospital setting to a less
6 restrictive setting may seek to have a guardian or conservator appointed by the probate court,
7 pursuant to RSA 464-A, for any older adult or adult with a disability who:

8 (a) Requires an alternative decision maker to assist with discharge;

9 (b) Is deemed incapacitated by a court of competent jurisdiction; and

10 (c) Cannot secure guardianship services through any other alternative.

11 II. The department shall contract with office of the public guardian to provide publicly
12 funded guardianship slots for individuals in need of guardianship pursuant to paragraph I.

13 III. Hospitals seeking to assist adults with discharge shall apply to the department for
14 access to the publicly funded guardianship slots.

15 IV. Availability of publicly funded guardianship slots shall be subject to the availability of
16 funding.

17 2 Appropriations; Department of Health and Human Services.

18 I. The sum of \$550,000 for the biennium ending June 30, 2027 is hereby appropriated to the
19 department of health and human services. Said appropriation shall be used for 50 slots to provide
20 publicly funded guardianship for individuals as set forth in RSA 151-E:28. The governor is
21 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
22 appropriated.

23 II. The sum of \$3,884,000 for the biennium ending June 30, 2027 is hereby appropriated to
24 the department of health and human services. Said appropriation shall be used by the department
25 to create new contract guardian slots and adjusting rates for individuals served under RSA 171-A,
26 RSA 161-F:52, and RSA 135-C. The governor is authorized to draw a warrant for said sum out of
27 any money in the treasury not otherwise appropriated.

28 3 Effective Date. This act shall take effect September 30, 2025.

SB 127-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the office of the public guardian and making appropriations to the department of health and human services.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$3.6 million - \$4.6 million	\$3.6 million - \$4.6 million	\$3.6 million - \$4.6 million
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$1.9 million	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

***Expenditure = Cost of bill**

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

METHODOLOGY:

This bill allows the Department of Health and Human Services to seek appointment of a public guardian for “adults in a post-acute hospital stay, clinically ready for discharge, who require the services of a guardian to assist with discharge planning and to ensure proper care and placement of the adult.” The bill further amends RSA 547-B:6 to require that rates for such services be sufficient to ensure that reimbursement covers the contractor's costs and that individuals in need of public guardianship services have access to those services.

The bill appropriates \$252,200 to the Department in FY26 to pay for 50 new contract guardian slots. In addition, the bill appropriates \$1,647,800 in FY26 to pay for 100 additional contract slots for individuals served under RSA 171-A and RSA 135-C. The Department assumes the intent of this appropriation is to amend its current contracts with the public guardianship and protection programs to add capacity for 100 additional individuals.

The Department notes that, in accordance with RSA 547-B, it currently contracts with two public guardianship and protection programs. The per diem rate per ward for whom the contractors provide guardianship services is \$6.81 in one contract and \$9.91 in the other contract. If the bill is adopted, the Department would need to amend the current contracts. The Department states that it does not have enough information to determine what any rate beyond

FY26 may be, if one were to be established using the rate setting methodology included in the bill. Additionally, the Department is unable to determine any future expenditures that may be necessary due to the proposed assessment of the need for professional guardianship services. In order to increase the wards and adjust the rate in concurrently, the Department expects that it will need additional funds beyond the \$1.9 million appropriated. While the amount is indeterminable, the Department expects it will need in the range of \$3.6 million to \$4.6 million per year.

AGENCIES CONTACTED:

Department of Health and Human Services