

SB 127-FN-A - AS INTRODUCED

2025 SESSION

25-1002

09/11

SENATE BILL ***127-FN-A***

AN ACT relative to 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

ANALYSIS

This bill amends the obligations of the department of health and human services with respect to contracting for public guardianship, and provides appropriations to the department to fund new contract guardian 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 Findings. The general court hereby finds:

2 I. The office of public guardian is an essential part of the community-based care delivery
3 system for individuals legally incapacitated by disability.

4 II. The office of public guardian has provided professional guardianship services since 1979.

5 III. The office of public guardian provides guardianship and fiduciary services under
6 contract with the department of health and human services.

7 IV. The office of public guardian contract rates do not cover the cost of the service and are
8 not subject to any rate setting methodology.

9 V. There has never been an assessment of the adequacy of office of public guardian contract
10 rates.

11 VI. There is unmet need in the community for public professional guardianship services to
12 resolve barriers to hospital discharge and plan for the future of individuals who family guardians are
13 aging and increasingly unable to perform the complex responsibilities of guardianship.

14 2 Protective Services to Adults; Guardianship. Amend RSA 161-F:52 to read as follows:

15 161-F:52 Guardianship. If all other remedies are exhausted, the commissioner or his authorized
16 representative may seek to have a guardian or conservator appointed by the probate court, pursuant
17 to RSA 464-A, for any adult who is in need of protective services ***including adults in a post-acute***
18 ***hospital stay, clinically ready for discharge, who require the service of a guardian to assist***
19 ***with discharge planning and to ensure proper care and placement of the adult.***

20 3 Public Guardianship and Protection Program; Contract for Program Services. Amend RSA
21 547-B:6 to read as follows:

22 547-B:6 Contract for Program Services.

23 I. The department of health and human services, with the approval of the governor and
24 council, shall contract with one or more organizations approved by the New Hampshire supreme
25 court which shall be designated the public guardianship and protection program and which shall
26 provide guardianship services pursuant to RSA 464-A, as required by RSA 135-C:60 and RSA 171-
27 A:10. The contract shall fix the cost per guardianship ***based on a ratesetting methodology that***
28 ***ensures reimbursement covers contractors' costs and ensures timely access to services*** and
29 shall permit the contracting organization to subcontract for such consulting services as may be
30 necessary to carry out the program's guardianship responsibilities. The compensation for operation

1 of the public guardianship and protection program shall be such sums as may be fixed by the
2 contract, ***and shall ensure access for those in need of the service***, subject to the appropriations
3 made therefor.

4 II. The contract may provide for protection services other than guardianship services when
5 such services are consistent with the intent of RSA 464-A. The contract shall set forth an
6 appropriate rate for such services, if provided. Such protective services may include, but not be
7 limited to, power of attorney, client representation, or service as a conservator, representative or
8 protective payee, but shall not include direct service delivery.

9 ***III. The department shall assess the need for professional public guardianship***
10 ***services for indigent individuals at least every 5 years and ensure that sufficient capacity***
11 ***exists to meet the needs of individuals in need of said services.***

12 4 Appropriations; Department of Health and Human Services.

13 I. The sum of \$252,200 for the fiscal year ending June 30, 2026 is hereby appropriated to the
14 New Hampshire department of health and human services. Said appropriation shall be used by the
15 department to create 50 new contract guardian slots to meet the obligations created in RSA 161-
16 F:52. The governor is authorized to draw a warrant for said sum out of any money in the treasury
17 not otherwise appropriated.

18 II. The sum of \$1,647,800 for the fiscal year ending June 30, 2026 is hereby appropriated to
19 the New Hampshire department of health and human services. Said appropriation shall be used by
20 the department to create 100 new contract guardian slots for individuals served under RSA 171-A
21 and RSA 135-C. The governor is authorized to draw a warrant for said sum out of any money in the
22 treasury not otherwise appropriated

23 5 Effective Date.

24 I. Section 4 of this act shall take effect July 1, 2025.

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

SB 127-FN-A- FISCAL NOTE
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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