

RULEMAKING NOTICE FORM

Notice Number 2009-165

Rule Number He-A 903.01(a)

<p>1. Agency Name & Address:</p> <p>Department of Health and Human Services Bureau of Drug and Alcohol Services 115 Pleasant St. Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 265-A:39, IV(d)</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Phase II Program Fee**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:
He-A 900 establishes the requirements of the community-based phase II impaired driver intervention programs statewide, which are equivalent programs to the 7-day residential multiple offender detention center program (MOP). He-A 903.01 establishes the program fee that providers are required to charge clients for such programs. The proposed rule increases the program fee by \$200 per client, to \$1,750.

6. (b) Brief description of the groups affected:
This rule affects approved providers community based Phase II programs, and the clients they serve.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule Section</u>	<u>RSA Implemented</u>
He-A 903.01(a)	RSA 265-A:39, IV(d)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Michael Holt	Title:	Rules Coordinator
Address:	DHHS/Office of Program Support 129 Pleasant Street Concord, NH 03301	Phone #:	271-4966
		Fax#:	271-5590
		E-mail:	Michael.holt@dhhs.state.nh.us

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)
The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/DHHS/ADMINRULEMAKING/default.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, October 26, 2009**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, October 16, 2009, 1:00 PM**
Place: **DHHS, Brown Bldg. Auditorium, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:167 , dated 09/15/09

Fiscal Impact Statement for Department of Health and Human Services rules governing Phase II Program Fee. [He-A 903.01]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will increase costs to state citizens by \$200 to the extent they enter a Phase II impaired driver intervention program and are required to pay the increased program fee. Independently owned business (Phase II program providers) will experience increased revenue as a result of the increased fee dependent on the number of clients they serve.

2. Cite the Federal mandate. Identify the impact of state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

The proposed rules increase the Phase II program fee by \$200 (from \$1,550 to \$1,750). To the extent state citizens enter a Phase II program, they will experience increased costs. The additional \$200 may be lessened in individual cases by up to 20% because of the optional discount payment plans that a phase II provider may offer.

C. To Independently owned businesses:

There are three Phase II providers in the state. The proposed \$200 fee increase will result in increased revenue to these providers dependent on the number of clients served. In 2008, there were 165 clients served among these providers. Assuming the same number of clients, an additional \$33,000 of combined revenue would be generated, ranging from \$5,200 to \$19,400 per provider.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program and responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Amend He-A 903.01(a), effective 1/30/08 (Document #9082), cited and to read as follows:

CHAPTER He-A 900 PHASE II PROGRAMS

PART He-A 903 SCHEDULE OF FEES AND CHARGES

He-A 903.01 Phase II Program Fee.

(a) The fee to be paid by each client for the phase II program, including all course materials, shall be ~~\$1,550~~ \$1.750.

Appendix

<u>Rule Section</u>	<u>RSA Implemented</u>
He-A 903.01(a)	RSA 265-A:39, IV(d)