



# State of New Hampshire

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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JEFFREY A. MEYERS  
COMMISSIONER

August 31, 2017

The Honorable Neal M. Kurk, Chairman  
Joint Legislative Fiscal Committee  
Legislative Office Building  
33 North State Street, Room 210  
Concord, N.H. 03301

*Re: DHHS Plan to Develop Alternative Placement Capacity for DCYF Involved Youth*

Dear Representative Kurk:

Pursuant to Chapter Law 156:165, 2017, the department is required, on or before September 1, 2017, to submit a plan to the Fiscal Committee of the General Court to develop alternative placement capacity for delinquent youth who prior to passage of the legislation would have been placed at the Sununu Youth Services Center (SYSC) by the courts. Outlined below is the department's plan to develop that capacity.

I. Statutory Requirement

The legislature's requirement for this initial plan report was enacted by Section 165 of HB 517, as follows:

**156:165 Alternative Placement Capacity for Youth; Reporting Requirement.**

I. In furtherance of the duty of the department of health and human services under RSA 170-G:4 to provide services for all children and youth referred to it by the district courts pursuant to RSA 169-B, the commissioner shall evaluate the adequacy of the service system and ensure that sufficient alternative placement capacity is in place for those children who are not serious violent offenders who prior to this act would have been placed at the Sununu youth services center. On or before September 1, 2017, a plan for development of such capacity for minors who are not serious violent offenders shall be provided to the fiscal committee of the general court, and the plan shall be updated on a monthly basis until it is fully implemented. The plan shall provide for an increase in the state's capacity for placement in Medicaid-eligible settings of no fewer than 35 minors. The increase in capacity for minors who are not serious violent offenders shall be implemented no later than January 1, 2018, and include a rate structure which supports the staffing ratios and other resources necessary for the safe and effective treatment of such children in residential and other treatment settings. The rate structure shall be submitted to the fiscal committee of the general court for approval prior to December 1, 2017. If necessary, the plan shall provide for a process for re-establishing cost-based rate-setting rules and procedures which may have expired.

## II. Evaluation of the Adequacy of the Current Service System

The legislature has required the department to arrange for the evaluation of the adequacy of the existing service system to ensure that sufficient alternative placement capacity is in place for delinquent youth who prior to the passage of the legislation would have been placed at the SYSC.

Accordingly, the department is in the process of identifying a national entity to conduct a comprehensive adequacy assessment to determine the adequacy of the existing service array for juvenile justice services. Through this needs assessment, the overall placement and community capacity for juvenile justice will be reviewed. Initial outreach to qualified organizations and individuals has already been done and the department anticipates that it will secure an individual or group to conduct this assessment on or before September 30, 2017. A timeframe for completion of the adequacy assessment will be determined in consultation with the selected contractor.

## III. Development of Alternative Placement Capacity

The new law also requires that the department certify by January 1, 2018, at least one Medicaid-eligible residential treatment facility for the transfer of committed youth who are "not serious violent offenders" and a second such facility on or before July 1, 2018. The statute further requires that these facilities increase the state's placement capacity for committed youth who are "not serious violent offenders" by at least 35 beds. The legislation appropriates up to \$8.7 million dollars for the development of this additional placement capacity and for the rates needed to support the facilities.

The department will be issuing an RFA in the next 2 to 3 weeks for the development of the alternative placement capacity as contemplated by the legislation. This procurement is designed to solicit one or more qualified vendors who together make available 35 Medicaid eligible beds for youth who will no longer be eligible for commitment to the SYSC. Responses will be requested by the end of October and depending on the responses received, the department anticipates bringing contracts forward to the Governor and Executive Council no later than the first meeting in December.

The RFA will request that a vendor(s), in a minimum of two programs, provide the following services: medical, clinical, residential, educational, vocational and all additional services necessary to meet the complex needs of this population. The RFA contemplates that there will be more than one provider for these services and that the programs will be regionally based. The RFA will request that the provider specifically address staff to client ratios, clinical ratios and supervision of the population in their response. The department's assessment of the responses will include both a technical and financial review of the program's proposal. The department will utilize the appropriated funds to develop the required alternative placement capacity and will establish rates for these services within the limitations of that appropriation for review and approval by the Fiscal Committee.

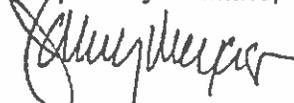
In accordance with the statute (Chapter Law 156:159 (Dispositional Hearing) and Chapter Law 156:165 (Alternative Placement Capacity for Youth), the department's plan contemplates the development of additional residential placement capacity for youth who would otherwise have been committed to the SYSC. We do not read the language of the statute to encompass those youth who have been *detained* at SYSC. In addition, we do not believe that the 35 bed requirement could accommodate both committed and detained "diverted" youth. Consequently, this plan does not address the development of alternative placement capacity for *detained* youth who will no longer be eligible for detention at SYSC after May 1, 2018. Services for this population will have to be provided through the existing service array which the department anticipates may be challenged to meet the complex needs of these youth.

IV. Engagement with Providers

The department will soon be meeting with its currently certified residential treatment providers to a meeting with the department to discuss the implementation of HB517 and to solicit their feedback regarding the existing and future service array. We will continue to address the implementation of this legislation within the challenging timeframes established in the statute. And the department will continue to update the Fiscal Committee on its implementation, as well as the census and profile of those youth who are being committed to SYSC by the courts.

Please do not hesitate to contact me or Christine Tappan, Senior Division Director, at 603.271.4455. This report will be posted on the Department's website for the information of the general public.

Respectfully submitted,



Jeffrey A. Meyers  
Commissioner

cc: Governor Christopher T. Sununu  
Senate President Charles Morse  
Speaker Shawn Jasper  
Rep. Frank Kotowski  
Senator Jeb Bradley  
Councilor Christopher Pappas  
Senator Kevin Cavanaugh  
Mayor Theodore Gatsas  
Chief Nick Willard  
Members, Fiscal Committee of the General Court  
Christine Tappan, Senior Division Director, DHHS  
Brady Serafin, Director, SYSC