

APPENDIX II-K
COVER SHEET FOR EMERGENCY RULE

Document Number _____

Rule Number He-C 1002.03 and He-C 1002.04

1. Agency Name & Address:
**Department of Health & Human Services
Office of the Commissioner
129 Pleasant Street, Brown Bldg.
Concord, NH 03301**

2. RSA Authority: RSA 126-A:84, V

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment X

Repeal _____

Readoption _____

Readopt with Amendment _____

5. Date of Filing: **March 4, 2024**

6. Short Title: **Opioid Abatement Trust Fund**

7. Contact person for copies and questions:

Name: **Allyson Raadmae**
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****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):


- 8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.
- 9. A summary of the effect if the rule were not adopted.
- 10. A description of those affected.

***PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

****PLEASE SIGN THE FOLLOWING:**

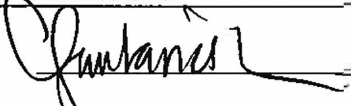
I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: March 4, 2024

Signature: 

Name: Lori A. Weaver

Title: Commissioner

Signature: 

Name: Christine Santaniello

Title: Associate Commissioner

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

He-C 1002 sets forth the procedure and criteria applicable to all applicants that apply to the Department of Health and Human Services (Department) and the Opioid Abatement Advisory Commission (Commission) for funding for qualifying opioid abatement projects through the trust fund established pursuant to RSA 126-A: 83-86 and the requirements for completing and reporting on projects financed through the trust fund.

On February 13, 2024, the Commission received support from the Governor's Commissioner on Alcohol and Other Drugs to provide immediate and direct funding to 2 governmental programs. This funding would help expand the supply of transitional, supportive, and recovery housing for individuals with opioid use disorder and other similar disorders and conditions and help provide additional access to essential support services and resources to these individuals.

Nationally, the opioid crisis continues to be declared a public health emergency and was renewed as such by the Secretary of Health and Human Services, effective December 28, 2023.

The Department is proposing to amend section He-C 1002.03, entitled "Definitions" by updating the definition of "applicant" and "eligible entity" by removing references to a governmental entities, programs, and commissions.

Additionally, the Department is proposing to amend He-C 1002.04, entitled "Trust Fund Eligibility Criteria" by adding that the Commission, through a memorandum of understanding, may engage with governmental entities or programs in accordance with RSA 126-A:84, II(b) and that those entities and programs who receive funds shall use those funds pursuant to RSA 126-A:86 and the distribution of those funds shall be approved by the Commission.

The Department is utilizing emergency rulemaking to make the above-described amendments to prevent the imminent peril to the public health or safety. Any delay in funding these programs, especially through a Request for Proposal (RFP) process, poses a significant threat to the public health and safety and places this vulnerable population in peril. The rule currently places an undue burden on the distribution of these funds to governmental agencies that is above and beyond what is required by statute.

While there is no public hearing for emergency rulemaking, the Department will enter into regular rulemaking to permanently adopt the amendments to He-C 1002.03 and He-C 1002.04.

9. A summary of the effect if the rule were not adopted.

If these amendments were not adopted, the Commission would be limited in the ability to fund these governmental programs without utilizing the RFP process and there would cause a delay in making critical investments to the community.

10. A description of those affected.

Groups affected by these rules include the Opioid Abatement Advisory Commission, applicants that apply for funding through the Opioid Abatement Trust Fund, specifically not-for-profit entities, governmental entities and programs, and charitable organizations, and citizens of the state who are impacted and need substance use disorder treatment services or mental health treatment services.

CHAPTER He-C 1000 OPIOID ABATEMENT TRUST FUND AND ADVISORY COMMISSION

Statutory Authority: RSA 126-A:83-86

PART He-C 1002 OPIOID ABATEMENT TRUST FUND

Amend He-C 1002.03 and He-C 1002.04, effective 6-21-22 (Document #13396), cited and to read as follows:

He-C 1002.03 Definitions.

(a) “Applicant” means a ~~New Hampshire governmental entity or~~ non-profit or charitable organization registered with the attorney general’s charitable trusts unit that applies for funding from the trust fund.

(b) “Application” means a request for funding submitted to the department in response to a request for grant application or request for proposals issued by the department for opioid abatement trust funds.

(c) “Commission” means the opioid abatement trust fund advisory commission.

(d) “Commissioner” means the commissioner of the New Hampshire department of health and human services, or designee.

(e) "Department" means the New Hampshire department of health and human services.

(f) “Eligible entity” means: ~~(1) A state agency, board, or commission or any political subdivision of the state; or (2) A~~ any non-profit or charitable organization registered with the attorney general’s charitable trusts unit.

(g) “Grant contract” means a written agreement between the state and an applicant setting forth the obligations of the parties under the agreement, including, but not limited to, the performance of the work and the basis of payment, reporting requirements, and any supplemental documents identified in the agreement or incorporated into the agreement.

(h) “Project” means any approved project outlined in He-C 1002.04(a).

(i) "Public interest" means protecting the health and safety of the citizens of the state, curtailing negative financial impact to the state, assisting in investigations, or promoting a competitive application process.

(j) “Request for grant application (RFGA)” means an invitation to submit an application by an eligible entity for qualified projects to the department and the commission.

(k) “Request for Proposal (RFP)” means “Request for proposal” as defined in RSA 21-G:36.

(l) “State” means the state of New Hampshire.

(m) “Trust fund” means the opioid abatement trust fund established in the state treasury pursuant to RSA 126-A:83, I.

He-C 1002.04 Trust Fund Eligibility Criteria.

(a) In order to be eligible for a funding award from the trust fund, the applicant shall ensure that the proposed project meets one or more of the criteria identified in RSA 126-A:86, I(b).

(b) The applicant shall comply with the application process, as outlined in He-C 1002.05, and supply all required information to be considered for an award.

(c) The commission may, through a Memorandum of Understanding, engage with Governmental entities or programs in accordance with RSA 126-A:84, II(b).

(d) Governmental entities or programs receiving funds from the trust fund shall be issued funds if its purpose is to meet the criteria of RSA 126-A:86 and the distribution of funds is approved by the commission.

APPENDIX

Rule	Specific State or Federal Statute the Rule Implements
He-C 1002.03	RSA 126-A:83; RSA 126-A:84; RSA 126-A:85; RSA 21-G:36
He-C 1002.04	RSA 126-A:86