



State of New Hampshire
Department of Health and Human Services

REQUEST FOR GRANT APPLICATIONS

FOR

Malpractice Premiums for New Hampshire Birthing Centers

RGA-2023-DPHS-01-MALPR

RELEASE DATE: February 22, 2023

**New Hampshire Department of Health and Human Services
Malpractice Premiums for New Hampshire Birthing Centers**

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1. PURPOSE AND OVERVIEW

1.1. Introduction

The New Hampshire Department of Health and Human Services, Division of Public Health Services (“Department”) is seeking responses to this Request for Grant Applications (“RGA” or “solicitation”) from qualified Applicants that are birthing centers to supplement payment of increases in malpractice premiums as a result of the COVID-19 pandemic.

Qualified Applicants must be a “birthing center,” which is a licensed facility in New Hampshire that is not located in a licensed acute care hospital, and which provides prenatal care through postnatal care, and which instructs and assists women in natural childbirth, as referenced in NH RSA 151:2, I(d) and NH Administrative Rule He-P 810.03(j).

The Department anticipates awarding multiple agreements in this solicitation.

1.2. Key Information

The information in the table below is as anticipated by the Department. All information is subject to change, the availability of funds, and/or approval by the Governor and Executive Council.

Grant Agreement Effective Date	Upon Governor and Executive Council approval	
Grant Agreement End Date	June 30, 2023	
Funding for the resulting agreement(s) is anticipated to be approximately:	\$250,000, inclusive of all grant agreements awarded	
Funding Source	The Department anticipates using Federal funds for resulting grant agreement(s).	
	Assistance Listing #	21.027
	Award Name	American Rescue Plan Act (ARPA) State Fiscal Recovery Funds AU: 24650000, Class 072 Object Code 502676
Point of Contact	Christy Adamson, Contract Specialist christy.d.adamson@dhhs.nh.gov 603-271-9540	
From the date of release of this solicitation until an award is made and announced regarding the selection of an Applicant, all communication with personnel employed by or under contract with the Department regarding this solicitation is prohibited unless first approved by the Point of Contact listed above. Department employees have been directed not to hold conferences and/or discussions concerning this solicitation with any potential grantee during the selection process, unless otherwise authorized by the Point of Contact. Applicants may be disqualified for violating this restriction on communications.		

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1.3. Background

1.3.1. New Hampshire Department of Health and Human Services, Division of Public Health Services, Bureau of Population Health and Community Services, Maternal and Child Health Section

The Maternal and Child Health (MCH) Section supports a broad array of programs to improve the availability of and access to high quality preventive and primary health care for all children, and for the reproductive health care of all women and their partners, regardless of their ability to pay.

1.3.2. Objective

The MCH Section receives federal funds from the Title V Block Grant to support various MCH programs whose primary goals are to improve the health status of pregnant women, mothers, infants, and children, including children with special health care needs.

The New Hampshire Joint Legislative Fiscal Committee approved the use of \$250,000 in federal pandemic funds to offset malpractice insurance rate increases that have impacted New Hampshire birthing centers. Malpractice insurance rate increases have put birthing centers at risk due to birthing centers being required to have malpractice insurance to receive Medicaid reimbursement. Additionally, Medicaid reimbursement rates are notably lower than facility costs. Malpractice insurance rates have risen due to increased usage throughout the COVID-19 pandemic, as more families are opting not to have births in hospitals.

New Hampshire birthing centers will be able to request financial support to offset the costs associated with malpractice insurance rate increases resulting from COVID-19 from the established stabilization fund. These increases are putting the continued operation of the centers at risk because the facilities are required to have malpractice insurance in order to receive Medicaid reimbursement or enter into commercial provider contracts.

1.3.3. Covered Populations

The covered population consists of qualified birthing centers located in New Hampshire that have experienced an increase in their malpractice insurance rates due to increased usage throughout the COVID-19 pandemic.

1.4. Grant Agreement Requirements

1.4.1. The selected Applicant must:

- 1.4.1.1. Provide documentation that they are operating as a licensed New Hampshire birthing center pursuant to NH RSA 151:2, I(d) and NH Administrative Rule He-P 810.03(j);
- 1.4.1.2. Provide a copy of current malpractice liability insurance declaration page showing coverage including birthing service in order to prove that the applicant has had malpractice liability coverage and experienced an increase in their malpractice insurance rates since March 13, 2019.
- 1.4.1.3. Complete and sign the Malpractice Insurance Premium Reimbursement Application (Appendix C). Please see Section 2.3, Certification and Award Process for additional clarification on the application process.

1.4.2. The Federal funds are available for reimbursement of expenses starting in March 13, 2020 and for payment of future expenses through June 30, 2023.

1.4.3. The funds must be expended by June 30, 2023 and may be applied to expenses incurred beginning March 13, 2020.

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2. Applicant Information

2.1. Compensation

- 2.1.1. The total available funding for all grants awarded through this RGA is anticipated to be approximately \$250,000, inclusive of all grant agreements awarded.
- 2.1.2. The Department anticipates providing a one-time payment to selected grantees.

2.2. Award Methodology

- 2.2.1. The total amount of funding available for all grant agreements awarded through this solicitation is \$250,000. This total amount will be divided by the total number of qualified Applicants to determine the initial maximum threshold allotment to be awarded to each Applicant; however if any qualified applicant requests an amount of funding that is less than the threshold allotment they will be awarded only the amount they have requested in their application. The remaining funds will be divided by the number of applicants that requested an amount of funding higher than the initial threshold allotment. Any remaining funding shall be awarded in the same methodology until all funds are awarded.
- 2.2.2. Qualified Applicants will receive a recommendation for funding until the total has been awarded or there are no additional qualified Applicants to consider. Recommendations for funding are dependent upon support by the Governor and Executive Council. Applicants will be notified of the amount of funding, if any, that will be awarded to the Applicant.

2.3. Certification and Award Process

- 2.3.1. The Department will review applications to confirm that:
 - 2.3.1.1. The application is complete.
 - 2.3.1.2. The Applicant is a qualified applicant as specified in Subsection 1.1.
 - 2.3.1.3. The Applicant meets all other requirements specified in the RGA.

2.4. Application Email

- 2.4.1. Applications must be submitted electronically to contracts@dhhs.nh.gov and the Contract Specialist at the email address specified in Paragraph 1.2.
- 2.4.2. The subject line must include the following information **RGA-2023-DPHS-01-MALPR**.
- 2.4.3. The maximum size of file attachments per email is 25MB. Attachments that exceed this limit must be submitted via multiple emails with the subject line indicating the number of emails X of XX.
- 2.4.4. Applications will be accepted until the date and time indicated in the Schedule of Events in Subsection 2.6.

2.5. Applicant's Questions and Answers

- 2.5.1. All questions about this RGA, including but not limited to requests for clarification, additional information or any changes to the RGA must be made in writing citing the RGA page number and part or subpart, and submitted by email to the Contract Specialist identified in Paragraph 1.2.
- 2.5.2. The Department may consolidate and/or paraphrase questions for efficiency and clarity. Questions that are not understood will not be answered. Statements that

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are not questions will not receive a response.

2.5.3. Questions must be received by the deadline provided in Subsection 2.6., Schedule of Events.

2.5.4. Written answers to questions received will be published on the Department's website on or about the date indicated in Subsection 2.6., Schedule of Events.

2.6. Schedule of Events

All times are according to Eastern Time. The Department reserves the right to modify these dates and times at its sole discretion.		
Item	Action	Date
1.	Release RGA (NH DHHS website)	2/22/2023
2.	RGA Questions Submission Deadline	3/1/2023 12:00PM
3.	Department's Response to Questions Published	3/8/2023
4.	Application Submission Deadline	3/15/2023 12:00PM

2.6.1. All questions and applications must be submitted electronically to:

State of New Hampshire
Department of Health and Human Services
Christy D. Adamson, Contract Specialist
Bureau of Contracts and Procurement
Email: Christy.D.Adamson@dhhs.nh.gov
Phone: (603) 271-9540

2.7. Validity of Application

Applications are valid for one hundred eighty (180) days following the deadline for submission in the Procurement Timetable above, or until the Effective Date of any resulting Grant Agreement, whichever is later.

3. Notices

3.1. Exceptions

3.1.1. To the extent that an Applicant believes that exceptions to the standard form Grant Agreement, General Provisions, which is attached as Appendix A, and Standard Exhibits, which is attached as Appendix B, will be necessary for the Applicant to enter into an Agreement, the Applicant must note those issues during the RGA question period identified in Subsection 2.6., Schedule of Events. The Department will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion. If the Department accepts an Applicant's exception, the Department will, at the conclusion of the RGA Question Period, provide notice to all potential Applicants of the exceptions that

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have been accepted and indicate that exception is available to all potential Applicants by publication of the Department's responses on or about the date indicated in Subsection 2.6., Schedule of Events. Any exceptions to the standard form Grant Agreement and standard exhibits that are not raised by an Applicant during the RGA Question Period may not be considered. In no event is an Applicant to submit its own standard grant terms and conditions as a replacement for the Department's terms in response to this solicitation.

3.2. RGA Amendment

3.2.1. The Department reserves the right to amend this RGA, as it deems appropriate, prior to the Application submission deadline on its own initiative or in response to issues raised through Applicant questions. In the event of an amendment to the RGA, the Department, at its sole discretion, may extend the Application submission deadline. The amended language will be posted on the Department's website.

3.3. Compliance

3.3.1. Applicants must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the grant agreement period. Applicants must comply with all Exhibits D-H and J, which are attached hereto as Appendix B.

3.4. Public Disclosure

3.4.1. Pursuant to RSA 21-G:37, all responses to this RGA shall be considered private until the award of a grant agreement. The content of an Applicant's application must remain confidential until the Governor and Executive Council have approved any grant agreement(s) as a result of this RGA. An Applicant's disclosure or distribution of the contents of its application, other than to the State, will be grounds for disqualification at the State's sole discretion.

3.4.2. The content of each Application and addenda thereto will become public information once the Governor and Executive Council have approved a grant agreement. Any information submitted as part of an Application in response to this RGA may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any grant agreement entered into as a result of this RGA will be made accessible to the public online via the website Transparent NH (www.nh.gov/transparentnh/). Accordingly, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV.

3.4.3. Insofar as an Applicant seeks to maintain the confidentiality of its confidential commercial, financial or personnel information, the Applicant must clearly identify in writing the information it claims to be confidential and explain the reasons such information should be considered confidential. This must be done by separate letter identifying by page number and Application section the specific information the Applicant claims to be exempt from public disclosure pursuant to RSA 91-A:5.

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3.4.4. Each Applicant acknowledges that the Department is subject to the Right-to-Know Law New Hampshire RSA Chapter 91-A. The Department shall maintain the confidentiality of the identified confidential information insofar as it is consistent with applicable laws or regulations, including but not limited to New Hampshire RSA Chapter 91-A. In the event the Department receives a request for the information identified by an Applicant as confidential, it will notify the Applicant and specify the date it intends to release the requested information. Any effort to prohibit or enjoin the release of the information shall be the Applicant's responsibility and at the Applicant's sole expense. If the Applicant fails to obtain a court order enjoining the disclosure, the Department may release the information on the date specified in its notice to the Applicant without incurring any liability to the Applicant.

3.5. Non-Commitment

3.5.1. Notwithstanding any other provision of this RGA, this RGA does not commit the Department to award a grant. The Department reserves the right to reject any and all Applications or any portions thereof, at any time and to cancel this RGA and to solicit new Applications under a new Application process.

3.6. Request for Additional Information or Materials

3.6.1. The Department may ask any Applicant to provide additional information or materials needed to clarify information presented in the Application. Such a request will be issued in writing and will not provide an Applicant with an opportunity to change, extend, or otherwise amend its Application in intent or substance.

3.7. Liability

3.7.1. By submitting an Application in response to this RGA, an Applicant agrees that in no event shall the State be either responsible for or held liable for any costs incurred by an Applicant in the preparation or submittal of or otherwise in connection with an Application, or for work performed prior to the Effective Date of a resulting grant agreement.

3.8. Successful Applicant Notice and Grant Award Negotiations

3.8.1. If an Applicant(s) is selected, the Department will notify the successful Applicant(s) in writing of their selection and the State's desire to enter into grant award negotiations. Until the Department successfully completes negotiations with the selected Applicant(s), all submitted Applications remain eligible for selection by the Department. In the event negotiations are unsuccessful with the selected Applicant(s), the evaluation team may recommend another Applicant(s). The Department will notify Applicant(s) that are not initially selected to enter into negotiations.

3.9. Scope of Award and Grant Award Notice

3.9.1. The Department reserves the right to award a service, part of a service, group of services, or total services and to reject any and all Applications in whole or in part. A grant award is contingent on approval by the Department.

3.9.2. If a grant is awarded, the Applicant must obtain written consent from the

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Department before any public announcement or news release is issued pertaining to any grant award.

3.10. Protest of Intended Award

3.10.1. Any challenge of an award made or otherwise related to this RGA shall be governed by RSA 21-G:37, and the procedures and terms of this RGA. The procedure set forth in RSA 21-G:37, IV, shall be the sole remedy available to challenge any award resulting from this RGA. In the event that any legal action is brought challenging this RGA and selection process, outside of the review process identified in RSA 21-G:37, IV, and in the event that the State of New Hampshire prevails, the challenger agrees to pay all expenses of such action, including attorney's fees and costs at all stages of litigation.

3.11. Contingency

3.11.1. Aspects of the award may be contingent upon changes to state or federal laws and regulations.

3.12. Ethical Requirements

3.12.1. From the time this RGA is published until a grant agreement is awarded, no Applicant shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFA, or similar submission. Any Applicant that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any Applicant who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from submitting an application to this RGA, or similar request for submission and every such applicant shall be disqualified from responding to any RFA or similar request for submission issued by any state agency. An Applicant that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

3.13. Compliance

3.13.1. The selected Applicant(s) must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the Grant Agreement period.

3.14. Records

3.14.1. The selected Applicant(s) must maintain the following records during the resulting Grant Agreement term where appropriate and as prescribed by the Department:

3.14.1.1. All records must be maintained in accordance with accounting procedures and practices, which sufficiently and properly reflect all such

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costs and expenses, and which are acceptable to the Department, and to include, without limitation, all ledgers, books, records, and original evidence of costs such as purchase requisitions and orders, vouchers, requisitions for materials, inventories, valuations of in-kind contributions, labor time cards, payrolls, and other records requested or required by the Department.

- 3.14.2. During the term of the resulting Grant Agreement(s) and the period for retention hereunder, the Department, the United States Department of Health and Human Services, and any of their designated representatives shall have access to all reports and records maintained pursuant to the resulting Grant Agreement(s) for purposes of audit, examination, excerpts and transcripts. If, upon review of the Final Expenditure Report the Department shall disallow any expenses claimed by the selected Applicant(s) as costs hereunder the Department shall retain the right, at its discretion, to deduct the amount of such expenses as are disallowed or to recover such sums from the selected Applicant(s).

4. Appendices

4.1. Appendix A - Grant Agreement, Form G-1 (for reference)

4.2. Appendix B - Standard Exhibits (for reference)

4.3. Appendix C - Malpractice Insurance Premium Reimbursement Application