

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE
One Granite Place, Room 234
Concord, NH
Friday, February 6, 2026

MEMBERS PRESENT:

Rep. Gerald Griffin, Chair
Rep. Keith Erf
Rep. Kenneth Weyler
Rep. Lucy Weber
Rep. Karen Ebel (Alt.)
Sen. Timothy Lang
Sen. Cindy Rosenwald
Sen. Keith Murphy

1. Acceptance of the November 7, 2025, meeting minutes

GERALD GRIFFIN, State Representative,
Hillsborough County, District #42, and Chairman: Okay. It
being -- being ten o'clock, I'd like to open the Legislative
Performance Audit and Oversight Committee meeting. And the
first item on the agenda is the acceptance of the minutes of
November 7th.

** LUCY WEBER, State Representative, Cheshire
County, District #05: So move.

CHAIRMAN GRIFFIN: We have a motion by
Representative Weber, and a second by.

TIMOTHY LANG, State Senator, Senate District
#02: I'll second. {Inaudible}.

CHAIRMAN GRIFFIN: Second by Senator Lang. Uh

-- all in favor? Any abstentions? Three abstentions. They weren't there.

*** {MOTION ADOPTED}

2. Status of ongoing audits

CHAIRMAN GRIFFIN: Um -- the second item is the status of ongoing audits. I'll invite the audit staff forward and --

CHRISTINE YOUNG, Director, Audit Division, Office of Legislative Budget Assistant: Good morning, Mr. Chairman, and Committee Members. For the record, I'm Christine Young, Director of Audits for the LBA. With me is Jay Henry, Performance Audit Supervisor.

We'll start with the Oversight of Special Education. We are writing the report, and we currently have 34 of the 71 Observations completed. Eight Observations are currently in the management review status, and four Observations are being drafted. We expect to have a draft report in the second quarter of this year, and a final report in the summer of this year.

The second item is the oversight of Education Freedom Accounts. We are wrapping up field work as we're writing Observations. We currently have 22 of 41 Observations completed. Three Observations are currently in management

review status, and five Observations are being drafted. And with Education Freedom Accounts we're expecting to have a draft report in the second quarter of this year, and a final report in the summer.

And, finally, with the Doorway Program, we're writing the report. We currently have five of 13 Observations completed. Eight Observations are currently in management review status, and for Doorways we're expecting to have a draft report by the end of February, and a final report by April or May.

CHAIRMAN GRIFFIN: Are there any questions for the Committee? Okay. Seeing none, we'll move on.

3. Suspended, tabled, and potential audit topics

CHAIRMAN GRIFFIN: Uh -- the next item on the agenda -- uh -- there's -- there's four parts to it. I'd like to begin with section three of it, the third -- the third item down. Uh -- I think we all know what's going on around the country -- uh -- with the -- um -- there's been a lot of -- uh -- fraud involved in places that -- some of the places that we wouldn't expect, but Minnesota and Ohio and California. And -- and Maine -- Maine is the most recent one.

So I think as an oversight committee -- um -- we need to make sure that we don't have anything like that in --

uh -- New Hampshire. And I think one of the problems with -- we -- we could send our auditors out to -- uh -- DHS and -- uh -- and -- uh -- get a report in about a year and a half or something, and I don't think that's going to work.

So I'm going to solicit ideas from the -- from the Committee. My own idea is that maybe we call in -- uh -- uh -- Lori Weaver and Nathan White and whoever the contract administrator is from DHS and have them outline to the Committee. Uh -- Representative Weyler.

KENNETH WEYLER, State Representative, Rockingham County, District #14: So, we're looking at a bill now before our Committee about SNAP. And I see down there there's, I think, it's 75,000 recipients, 45,000 households, which gives me the impression that there's a lot of singles getting SNAP. And I don't -- I don't know how often they're making them certify that they qualify, whether they -- and -- and I don't think the work requirement is being pushed hard enough, if we got that many likely single receivers.

So I'm wondering if we can urge HHS to do more on -- on checking on people on SNAP to see if -- if they are fulfilling the work requirement or it seems to me they're not and -- and there's been so many waivers on it that people don't bother to go and even try to work or even try to do something

for 20 hours. Thank you.

CHAIRMAN GRIFFIN: Well, I -- I think that's -- uh -- that's in line with what I'm suggesting is that we have them come in and we can ask them that kind of question. Uh -- I know once in a while Fiscal gets into that stuff, but we -- we're really the -- the -- uh -- oversight committee here. So I think it's probably appropriate; but I'll take other comments. Representative Weber.

REP. WEBER: Thank you so much. I think one of the things that distinguishes us from all other states, of course, is the presence of the Executive Council, and they do actually review every single contract. Um -- and I know that all of the Councilors take that responsibility very, very seriously. Um -- and thank God they're doing it because it would drive me wild. But -- um -- so, I think that we are, first of all, less at risk than other places.

I will say that when we had -- when we did the follow-ups to some of the audits that hadn't been followed up on, I thought it was very useful to have people come in and just have a conversation about where we were and what was going on. The other thing I will say about SNAP and all of these other programs is we do have a robust Joint Health and Human Services Oversight Committee, which is made up of Senators and

-- and -- um -- Representatives. And so we hear regularly from the Department -- uh -- on reports on all the different programs. So I think -- I'm -- I'm not objecting to looking more carefully. I'm just saying that we have currently layers of oversight that may or may not be in place in other places.

The other thing that I think of as both our vulnerability and our super power is the -- the fact that because we have so little staff, Representatives particularly -- um -- have to do all their own leg work and review and -- um -- most, if not all of us, take that also very seriously. So we've got a lot more eyes on everything than a lot of places have, having -- having been in discussions with Representatives and Senators for other states where it is their staff who actually do a great deal of the groundwork and have the knowledge.

If -- if I have knowledge of anything, it's because either I knew about it or I knew which other Representative to ask about it. So -- um -- I -- I think the idea of having -- um -- DHHS come in and explain how those programs work might be very illuminating to Members on the Committee.

CHAIRMAN GRIFFIN: Right. And I -- I agree with you about our Executive Council. They're wonderful; but

they're looking at the contract language and know -- what happened in Minnesota was an independent journalist went out, visited day care centers and found there were no kids in them. So, we don't want to be embarrassed by -- I don't think that's going on here, but I -- I hope it isn't going on in New Hampshire; but we don't want to be embarrassed by that. So -- uh -- Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District

#13: Thank you. Um -- we also have in the Department of Justice a Medicaid Fraud Unit. And -- um -- it might be worth it to have them come in and talk to us about some of the cases. I mean, they've put people in prison, I think, providers. So they kind of a little known unit over there, but it might be a value for us to just get to know them better.

CHAIRMAN GRIFFIN: That's an excellent -- excellent idea.

SEN. ROSENWALD: Thank you.

REP. WEBER: And just one final note that Senator Rosenwald reminded me of with her comment is, of course, Representative MacDonald, who chairs House Health and Human Services and Elderly Affairs was himself an investigator in the department, not in -- not in the Department of Justice. He was an investigator in the Department of Health and Human

Services and might also be a source of some significantly helpful information about how things worked, because that was his job for a couple of decades.

CHAIRMAN GRIFFIN: Senator Rosenwald.

SEN. ROSENWALD: Thank you. I guess the other thing I would say about the Contract Management Unit at HHS is that they've been down on staff for a few years pretty significantly. So it takes them much longer to write contracts and get RFPs out. So it might be good to hear what their staffing -- what their vacancy level is.

CHAIRMAN GRIFFIN: Anybody else? Well, those are ideas to move forward with. We'll take them up toward the end of the meeting. Meantime, we'll -- we'll go forward with the agenda.

Uh -- I guess -- I guess I'll turn it over to our auditors at this point.

MS. YOUNG: Did you want to discuss the -- um -- Bureau of Developmental Services as well? That was on the list as a potential audit topic.

CHAIRMAN GRIFFIN: Okay. Uh -- I'm sorry. I'm -- I'm -- I -- I misread that. Uh -- yeah. Okay. What do -- what do the Members of the Committee think about that as a audit topic, the Bureau of Elderly and Adult Services?

REP. WEBER: I'm -- I'm trying to remember if that was as a result of -- was that put on the list because of a -- a constituent complaint or a Representative?

CHAIRMAN GRIFFIN: I think there was litigation or -- uh --

REP. WEBER: Well, my -- my recollection is that the -- the Bureau of Elderly and Adult Services, that one was suspended because of litigation.

CHAIRMAN GRIFFIN: Yeah.

REP. WEBER: Um -- but I wasn't remembering the origin of this one. So if anybody remembers and could refresh my mind, I'd be very grateful. But I -- I have no objection to it if -- if -- if we know that there's an issue there.

CHAIRMAN GRIFFIN: Okay. How about --

JAY HENRY, Performance Audit Supervisor, Audit Division, Office of Legislative Budget Assistant: Do you want -- I could maybe address that for you.

REP. WEBER: Thank you.

MR. HENRY: If I remember this correctly, it came from Representative Edwards --

REP. WEBER: Okay.

MR. HENRY: -- when he was here once, and he -- he had issue with this. Um -- we do have a representative from

the Department of Health and Human Services who may be able to address what's happened since then, because I think this topic came back -- came in in, like, 2023.

REP. WEBER: Okay.

MR. HENRY: And I think there was some problems happening in that Division at the time and maybe things have changed, so. Here we go.

THERESA NAREAU, Internal Auditor, Office of Improvement, Integrity, Department of Health and Human Services: All right. Um -- good morning, Chairman, and Members of the Committee. My name is Theresa Nareau. I'm the Internal Auditor for Health and Human Services, and I'm here to speak today on the Bureau of Developmental Services. Melissa Hardy wanted to be here. She's the Director of Division of Long-Term Supports and Services. Unfortunately, she had another meeting and wasn't able to attend. So she gave me a few talking points of the background of this just to kind of bring you up to speed. So, hopefully, that's helpful.

Unfortunately, I'm not from the program. I really can't go into detail beyond what she's given me, but I think this will be very helpful. All right.

Um -- so the reason this came up was because there was a system redesign and its effects on billing and

services. So since 2017, New Hampshire was under a Corrective Action Plan from CMS. The State obtained compliance in July -- uh -- 1st, 2023. So it's been a few years we've been in compliance with CMS. This included compliance with DD providers, which is Developmental Disability providers enrolling directly with Medicaid in billing for services rendered in conflict-free case management. So there were no concerns at this time -- um -- for timely billing for providers related to system redesign. And she also wanted me to point out -- um -- part of the system redesign the providers' billing systems had issues as well on their side. So it wasn't just on our side. It was also on the provider side at the time. That has now been fixed.

Okay. So, again, we are now in compliance with CMS, and she just wanted to let you know that. So we weren't sure if it would be of value to go in and look since that has now been resolved.

Um -- and she wanted me also to speak to the housing practices as well. Um -- there are currently three committees providing oversight and support related to developmental disabilities and housing. So that there's a Council on Housing Stability -- um -- which is a work group on supporting housing, Bureau of Adult and Aging, and Bureau of

Developmental Services work group. And there's second Committee which is ABLE Housing Task Force. Uh -- ABLE is a disability justice advocacy organization. And then the third committee is a legislative committee.

REP. WEBER: Could we have the second one again?

MS. NAREAU: Absolutely. I'm sorry. Um -- ABLE Housing Task Force and ABLE is a disability justice advocacy organization.

REP. WEBER: Gotcha.

MS. NAREAU: That's a long one.

REP. WEBER: Thank you.

MS. NAREAU: And the third one is Legislative Committee to Study the Impact of the Housing Crisis on People with Disabilities. That was part of HB 1168 in 2024.

KEITH ERF, State Representative, Hillsborough County, District #28: Mr. Chair. Could I just ask a question?

MS. NAREAU: Yes, absolutely.

REP. ERF: Is it possible for you to send your notes to the Committee?

MS. NAREAU: Absolutely. Yeah, we can definitely do that. And we did provide it to the LBA prior. It was this morning that we -- we had gotten together to discuss it just to make sure we had all the facts, and then we

just provided it to Jay Henry this morning; but we'll provide to the Committee as well.

REP. ERF: Thank you.

MS. NAREAU: Absolutely. We just didn't want you to go into something that perhaps was not of value that was resolved already.

CHAIRMAN GRIFFIN: Any other questions? Yes.

SEN. ROSENWALD: Thank you. But -- um -- it seems there are two issues here. One is the billing, the conflict -- conflict-free case management Corrective Action Plan. We've -- I'm happy to hear we've solved that. The second one is the system redesign which has been very controversial within the developmental disabilities community. And I'm not sure where we are on a system redesign and changing our waiver application.

MS. NAREAU: Right. Unfortunately, I can't speak to where we are. I know there's three committees looking at it and that was just our concerns. There's already so many eyes on it that we just weren't sure if it would be of value to go in at this point; but completely up to you, obviously.

SEN. ROSENWALD: Representative Weber probably knows more about it than I do.

CHAIRMAN GRIFFIN: Representative Weber.

REP. WEBER: Well, I'm not sure I do; but I'm -- I am remembering from the dim past that -- um -- I think that part of the system design issues might have been interwoven with the billing stuff, because what happened in 2023 was the disentanglement of providers with billing. And in some ways it's really very convenient if you have somebody doing both. But, on the other hand, there's far less accountability if you have somebody doing both. And I think there were also some systems issues. I know that there was an awful lot of difficulty meshing the providers' systems and billing systems directly with the State. So I -- I'm not sure whether fixing the billing, although it disrupted people at the time, hasn't over time fixed the whole thing; but I think it might be worth at least again on the discussion level, rather than the let's start-up a new audit level. Might be worth some discussion.

CHAIRMAN GRIFFIN: Senator Rosenwald.

SEN. ROSENWALD: Thank you. So my memory, my distant memory of the system redesign was a desire by the Department to have three different tiers of disability services.

MS. NAREAU: Hm-hum.

SEN. ROSENWALD: And -- um -- the Department said this was going to save money but not cut services. And

the disability community said this is going to cut services. So that's why I think the system redesign might be different from the billing.

REP. WEBER: Okay. And I'm thinking and, again, I'm -- I'm not sure of this, I am thinking that there was so much outcry about that tiered system that I think the Department walked away from it; but I'm not going to represent --

SEN. ROSENWALD: I'm not sure.

REP. WEBER: I'm not going to represent that that's so because I -- suddenly I stopped hearing about it. Let's put it that way. But I think -- I think that the community made that concern very, very clear in a number of meetings and in a number of forums. So, again, it's something we might want to update but.

CHAIRMAN GRIFFIN: Thank you. Anyone else have comments? Thank you for your testimony.

MS. NAREAU: Thank you.

SEN. LANG: Mr. Chair, can we ask LBA to come back up.

CHAIRMAN GRIFFIN: Hm?

SEN. LANG: Can we ask LBA to come back up?

CHAIRMAN GRIFFIN: Yes. Yes.

SEN. LANG: If I may?

CHAIRMAN GRIFFIN: You had a question.

SEN. LANG: So -- well, a couple things. Number one, capacity you have for doing audits at this point, where we at? Do you guys have space for more audits and staff if we were to throw some at you -- um -- or are we still -- you're busy with what you have and you don't have any space?

MS. YOUNG: Uh -- we won't have any auditors available to start new audits until about May or June time frame, and at that point we'll only have just a couple of auditors -- uh -- available.

SEN. LANG: Follow-up. Can -- uh -- trying to remember. I'm pretty sure it was this Committee. We had that nice colored sheet about all the previous audits and where they stood. Can we get an update on that considering all the --

MS. YOUNG: Sure.

SEN. LANG: We've had administrators in that have corrected and updated and done that, and I kind of like to see where we are --

MS. YOUNG: Sure.

SEN. LANG: -- with what's still on that list that's outstanding. And then, lastly, Mr. Chair, if I remember right, in the spring last year, could have been last term for

all I know, trying to remember, but we talked about the idea of doing a Special Education audit at the school level. We found out that we could, in fact, go outside of State Agencies and do. We had a capacity, I think it was five in five years we were allowed to do -- um -- or -- or something like that. And I know that yesterday on the Senate floor we had a pretty robust discussion around Special Education at the school level and the increasing and rising costs and that kind of thing.

And so I -- I -- I think, you know, we should maybe discuss about having that local school audit of -- of -- uh -- Special Education -- to kind of identify, help the Legislature identify what's going on there. Um -- and -- and, again, maybe we take -- I know we floated the idea of talking to Department of Ed and find out the schools with the most, schools with the median, schools with the lowest and be able to have an audit of each one of those to see what the differential is. Why do some schools have a really good cost and some have exorbitant costs. What is that -- what's the reasoning for that. Um -- what's the -- are they following the appropriate procedures -- um -- that kind of thing.

So I don't know, again, as an idea of an audit, I don't know, it is a big topic going on right now with Special Education costs in public education. And while we have the

Special-Ed coming in about DOE -- uh -- you know, the Department of Ed -- um -- the reality is that doesn't get down to the bottom and talk to the students. That just says our -- is DOE doing what they're supposed to do, not are the schools supposed to be doing what they're supposed to do. And so I'm wondering whether that's an appropriate audit topic we could consider.

CHAIRMAN GRIFFIN: Representative Weber.

REP. WEBER: My concern is only -- well, it's not only, it's a big concern -- is how do you design an audit, given the number of schools, the number of Districts, the number of levels that we can do with the personnel we have available -- uh -- that would be meaningful in terms of a report. And if it's -- if it's just going to be a spot-check, that's fine; but then we have to recognize that it's a spot-check and it doesn't tell us anything about all of the other pieces. Um -- so, you know, my -- my mind kind of boggles at the breadth; but -- um -- I'm not the person who would be designing it, so --

SEN. LANG: I think the reason --

REP. WEBER: -- there might be ways to do it.

SEN. LANG: So, again, I think that was the reason why I asked when you would have auditors available. And then usually, if I'm not mistaken, LBA, you come in with the

scope of the -- scope of the audit that we look and approve on. So, I mean, I think the first step is to see if they can design a scope that would work for us and that they -- they'd be comfortable doing, right? So we have to say yes, we want it, and then design, see what the scope of work looks like, see if it encapsulates what we want for data, and what we want for it to go on. But, again, Senator Perkins Kwoka used a great line. You can't -- you can't manage what you can't measure, right? And so we need a measurement to see how to manage it, and I think that's an important -- we -- we don't have that data, so.

CHAIRMAN GRIFFIN: Senator Murphy.

KEITH MURPHY, State Senator, Senate District

#16: Thank you. There's actually a legislative study committee currently looking at this issue. I believe we're wrapping up our work. I serve on that commission, and we're working -- wrapping up our work I believe this July. So we'll have some information to work with.

One thing that's really jumped out at me, if we're going to sort of narrow this down a bit and move forward with an audit here, is that some Districts have dramatically higher Special-Ed rates than others. And, I mean, like why would a district have five times the percentage than other Districts, and to what extent we are incentivizing Districts to

label children as Special-Ed. I think that might be the great way to narrow it down if we move forward after that report comes out.

SEN. LANG: Again, I -- I -- I -- I didn't know about the commission you're on. Again, but I don't know if it gets down to the school raw level, right, and that's what we're talking about is auditing at the school raw level, not at the Department of Ed -- Department of Ed looking at gross numbers but getting down to the bottom numbers, right, and what makes up that gross number. And right now we're kind of looking up here at the 10,000 foot view saying this is what it all looks like up here without seeing on the ground what its implementation, what it looks like, what it -- how it's coded, why they're coded, why there's -- that's why I said a small, medium, large kind of model because that will give us a differentiator as to why that's happening at the school level, because we're asking each one of those schools to explain what they're doing.

CHAIRMAN GRIFFIN: I -- I think -- I think both your points are very well-taken and as far as selection of where you go. Uh -- you obviously pick schools that are successful to controlling costs and schools that aren't successful at it, and you see what the differences of

management are. Uh -- I think it's an excellent idea.
Representative Erf.

REP. ERF: So I'm glad you're all getting on board with this. This is something I've brought up a number of times over the past few years. And you may recall actually goes back to Senator Reagan, I believe it was, four or five years ago, maybe six when he was chairing this. And I fully would support something like this. I spent a lot of time talking to LBA about it. It's certainly possible to pick a group of schools. Um -- to do a spot check is one way to put it, but also just to -- um -- statistically pick a good set of schools to -- School Districts statistically to get an idea of the whole gamut of good things, bad things, that sort of thing. So I'd be very supportive.

REP. WEBER: Would it make sense for us to tentatively put it on the list and then wait for the report of the commission that's currently doing its work to start discussing a scope statement?

CHAIRMAN GRIFFIN: Well, from what we heard earlier, we have time. We don't have to make the decision today. We do have time. But it -- it definitely is a potential item that should stay on the list of potential items.

MR. HENRY: Yeah, I'd just like to add that you

may want to wait until the Special-Ed audit is released. Um -- if -- if you remember, we're talking about 71 Observations, findings of Special-Ed just at the Department level. And we can't get into what we're finding just because we haven't finished up our work there. But if the State has that many issues, of course, the locals, it's going to go down to the locals. Uh -- I think after the report comes out if it all stays the same you'll get a better understanding of, you know, maybe why the locals are, like, what's happening at the local level. I mean, if -- if it's not being overseen well, there's problems.

So, the -- the report that's coming out may be up to like 800 pages. It's -- it will be a big report.

SEN. ROSENWALD: Like Moby Dick.

MR. HENRY: Yeah. It's -- anyway, so I just say you probably want to see that along with what the Committee has found and then think about what to do.

REP. WEYLER: {Inaudible} 300-page ones.

CHAIRMAN GRIFFIN: Representative Erf.

REP. ERF: A couple things. I'm wondering if it be possible, with your permission, might be able to come up with a draft report in, like, the May time frame so we get a little ahead of the game. Putting this off, I think, is a

mistake. We've been putting it off a long time. And I understand what you're saying about the state level, but they really are two different issues. And working, as I do, with a lot of Special Education costs -- um -- we really need to get to look at the local level as well. So I don't think we want to put it off until you all are done with the original SPED one. In fact, I would hope you'd have something out earlier, a draft form earlier than July so we could start look. As you said in May is still only going to free up a few people, but by the summer we may free up more, and I think we should get onto it as soon as we can.

CHAIRMAN GRIFFIN: Senator Murphy.

SEN. MURPHY: Thank you. The chairman of that Commission is chairman -- Representative Ladd. So I -- I can reach out to him or you may see him more often than I do.

REP. ERF: I will do that.

CHAIRMAN GRIFFIN: Representative Weber.

REP. WEBER: I was just going to say that I would -- I would -- I'm kind of the other persuasion from Representative Erf. I -- I -- I think that we have two things going on that would be very helpful in informing us which way to go with the next step, but I defer to the --

CHAIRMAN GRIFFIN: Okay.

SEN. LANG: Mr. Chair. So, again, my concern is that we don't get down to the nuts and bolts, right, what makes up the machine. We're looking at the machine and saying is the machine running well? Yeah, it looks like it's running great, but we don't look at what it's made of and at the base. And so the longer we put it off, we don't know if we can redesign the machine to make it more efficient or not because we haven't seen how it's, you know, the bottom of it.

So my concern is that, and I'd almost like to see and start looking at a possible scope of work as a general idea, and then as the reports come out we can refine that scope of work so that when we're ready to pull the trigger we're not waiting another three months for a scope of work.

REP. WEBER: That's perfectly fair.

SEN. LANG: So that's kind of my idea is that I'd like to see them start putting together what would it look like if you audited a local public school to -- on the -- on the issue of Special Education and -- and its compliance and -- and -- uh -- the financial side of it -- um -- and kind of start looking at scope of work so we can refine that. I just don't want to wait until, you know, July to September when the final report of Special-Ed comes out, then we all got to read 800 pages, which after two pages you're going to fall asleep,

so it might take you a little while.

Um -- so -- um -- you know, I'd like to see us start moving on it so that when we are ready to pull the trigger, we have the scope of work. We can go to the Department of Education, get them to help us find the schools that would be appropriate to audit, and then have that scope of work applied to those schools. I just don't want to wait until September -- um -- or -- or -- or, you know, late June to start doing that.

REP. WEBER: Fair enough. That's fair enough.

CHAIRMAN GRIFFIN: Let me -- let me ask our auditors a question. So how would that fit in with your workload at this point just to -- just to work on a -- a broad, very broad outline of a scope on an audit?

MR. HENRY: Well, the auditors with the most knowledge of Special Education, probably as much as some people over at the Department right now, are busy finishing up that audit. Those are the experts. I mean, that's -- uh -- and the other thing I'd mention, I know the cost is big issue and I -- I know that I've been watching the Committee. Um -- I think one of the concerns we have is, yeah, you have costs, but it's the how effective is everything. You know, if -- if only the high cost kids are obtaining the goals, that would be telling

you something. If the low cost kids, you know, if they're able to attain the goals, you know, that's when you -- oh, there's an efficient way of doing things. Um -- we're having probably issues with who's measuring the effectiveness of all this. And I think that's probably the biggest hole you have right now. You can look at costs; but if you don't look at are kids, you know, reaching their potential and is anyone measuring that, is anyone -- if they should have been measuring it; but if you don't have that, it's hard to really say what costs are, you know, is it too high or too low if you don't know, yes, that kid was able to go to college. Or that kid was able to live -- live, you know, by themselves. I mean, there's -- there's big goals of Special Education which I think right now there's a hole of not knowing what's happened, which is concerning.

CHAIRMAN GRIFFIN: Representative Erf.

REP. ERF: Agree 100%, and that very much should be a part of it and that is very much targeted at the local level, for sure.

CHAIRMAN GRIFFIN: Representative Weyler.

REP. WEYLER: One of the things we don't know -- um -- we seem to have a lot of problem with kids learning to read. Do we know if the state-wide is all the same curriculum or if there was -- if we look at it one school district has

more success than another, and maybe they're using a different method. Do we know -- did we ever get into that level when we're looking at these things?

MR. HENRY: I -- I know the audit's not looking at that. I -- my wife works in a school and I know right now they're looking at a reading curric -- like bringing in a new one. So I -- I think you have the -- I don't know if it's Common Core or you have the standards by -- by the State that you must follow; but I think each SAU and District can decide, you know, how to, you know, how to -- what program to use.

REP. WEYLER: And I wonder if one District finds out that five districts away is having a great program and it's working much better, how would they get that information? That's -- that's -- I'm not so sure that they share these things amongst themselves. Anyway.

MR. HENRY: That I'm not sure.

REP. WEYLER: Thank you.

SEN. LANG: So, Mr. Chair. So I guess my question is do we need a -- would we need a motion? What -- what I'd like to see is by, you know, start to see a draft by May at the latest of what a scope of work might look like. So that in June if we meet we can pull the trigger because by then they -- the draft should be out by then of the Special-Ed, and

the final is due within a couple months of that. But we'll have a draft that we can take a peek at, and we can start tweaking that special -- the -- the scope of work. So I'm just not sure what the process is to have them use the next few months to start outlining a scope of work for us that -- for us to review -- um -- a draft version of that.

CHAIRMAN GRIFFIN: You want to make that motion?

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SEN. LANG: I will make that motion that we ask LBA to start the process of drafting a scope of work to look at local School Districts -- uh -- performance on Special-Education.

SEN. ROSENWALD: Can I ask a question?

CHAIRMAN GRIFFIN: Is there a second?

SEN. ROSENWALD: I'll second that but --

CHAIRMAN GRIFFIN: Seconded by --

SEN. ROSENWALD: -- I'd like to ask a question.

CHAIRMAN GRIFFIN: -- Senator Rosenwald. Yes, go ahead.

SEN. ROSENWALD: Thank you. So we're expecting the two education audits to be released by the summer. When does the LBA's part kind of wrap up? I mean, at what point is it just the Department responding, and so there will be the LBA experts on education available to draft a -- a draft scope?

MS. YOUNG: To answer your question, the -- the auditors that are working on the Special-Ed audit are not going to be available to do other work until the summertime. So the people that know the most about the program would not be available to start to draft a scope -- um -- on another audit until the summertime.

Um -- as I said before, we have two auditors that are becoming available sometime in May or June that would be available to start working on something else, but they're not the auditors that have the expertise about the Special-Education program. So I think you may want to keep that in mind.

MR. HENRY: In addition, we'll have a draft report by -- what did you say, the summer or for like Special-Ed.

MS. YOUNG: For Special-Ed you said, let's see, draft report in the second quarter of this year.

MR. HENRY: That's when we send it to the Department. So it will be the first time that they see the whole report. They then have to respond to the report. That's going to take them, whatever, six -- I -- I don't know, six weeks, eight weeks, something like that. Then we get together and we discuss it, and then we present it to Fiscal. That's

when it becomes a public document. So we can't give this Committee our draft report because it hadn't -- hadn't gone through the process, and we haven't allowed the Department to fully read it and -- and -- and discuss it with us and, you know, tell us where we may be incorrect or give us more information. Uh -- yeah, that's what we do with all the auditees.

SEN. LANG: Mr. Chair.

SEN. ROSENWALD: Follow-up.

CHAIRMAN GRIFFIN: Follow-up.

SEN. ROSENWALD: Thank you. So what are those two auditors doing during this six or eight weeks when the Department is reviewing the draft audit and preparing their responses to the Observations? What are those two auditors doing?

MS. YOUNG: Those two audit -- uh -- three, four auditors for the Special-Education team, is that what you're referring to? Um -- they may be working on appendices to the report because we would likely get a draft report to the Department of Education that would include all the Observations -- um -- Table of Contents, the whole front part of the report, but then we may have appendices in the back. I believe we do have several appendices planned. So they -- they would be

working on that type of stuff -- um -- and doing final wrap up of -- uh -- work papers.

SEN. LANG: Different question.

MR. HENRY: There's basically -- there's a lot of work that still goes on as far as -- uh -- in cleaning up. And, plus, our audit teams are then reading, being proofreaders to the other audits and other observations. So there's a lot of work sort of still going on even when you're not working on your own audit. You may be the proofreader on a different audit. And we also have our updating our own policies and procedures. And we got peer review coming in in the fall, meaning the -- we're going to get audited by other auditors to make sure we're following government auditing standards. And just like every agency when the auditors come in, you got to get everything in shape and make sure everything looks good. So they don't sit around. I'll put it that way.

CHAIRMAN GRIFFIN: Representative Weber has been waiting patiently over there.

REP. WEBER: And it's very unusual for me, actually. Patience has never been my strong point. Um -- thank you, and I -- I guess my concern is that I am all for getting started because I -- I get it that you -- if -- if we don't start at all until July or August, then you got three

months for a scope statement and you're way beyond where I know you guys would like to be, because anybody who's involved in the next budget cycle probably wants all of this information already. Um -- but on the other hand, I don't want to jam you folks up and I also, you know, if -- I'd like the work to be done by the people who have the most expertise in this area, which is complicated and dense.

So -- um -- I -- I would be glad to vote for starting the process; but I -- I really want it understood that, you know, we -- we understand that there are limitations to how many people the -- the LBA has and that they, like all the rest of us, are having difficulty being in two places at once. So I just want to recognize that.

CHAIRMAN GRIFFIN: Senator Lang.

SEN. LANG: Yeah. So, again, same -- same thing. I'm not -- I'm not looking for hard -- I'd like, again, those auditors know they already have something queued up behind them waiting to go so that they can manage their time and know what's going on next.

Uh -- and so, again, I -- I -- I'm going to hold on my motion but just let the scope of work could be designed based on when the availability of the staff is there to make the scope. I'm not looking -- I don't want to put a hard

deadline on it. Just strictly say that as soon as you can queue it up, queue it up. That's the intent of the Committee. Queue it up as fast as you can, don't pause; but at the same point we recognize you have this major audit that's undertaking.

My other question was -- uh -- and that's my statement. My other question was --

CHAIRMAN GRIFFIN: Could I interrupt you --

SEN. LANG: Yeah.

CHAIRMAN GRIFFIN: -- for a minute. Senator Rosenwald, will you second the amended motion?

SEN. ROSENWALD: Yes.

SEN. LANG: My second question, you just said you had two auditors freeing up. What is their area of expertise? So maybe that will answer where we want to do our next audit if they don't have one queued up already.

MS. YOUNG: They are both working on the Doorway Program audit. So Department of Health and Human Services.

MR. HENRY: And one is a fairly -- one is a fairly new auditor and the other one is a Senior Audit Manager. As far as -- I mean, he's been here working over 30 years, so he knows a lot about state government; but he's also an IT auditor. Um -- so he has that. If there's an expertise he has

some of that.

CHAIRMAN GRIFFIN: Okay.

MR. HENRY: I guess we have people --

CHAIRMAN GRIFFIN: We have a motion on the floor, amended motion on the floor. All in favor? Unanimous.

*** {MOTION ADOPTED}

CHAIRMAN GRIFFIN: Um -- okay. We're ready to go on to the next item, I guess.

KAREN EBEL, State Representative, Merrimack County, District #07: Mr. Chair, could I -- just one comment? I -- I think it would be useful as they're going through the audit, the Special-Ed folks, to tell them that this is something that the Committee is looking for. So, eventually, if they're going to be developing a scope, they might be thinking as they're studying things how that might evolve if you tell them that we're interested in it.

CHAIRMAN GRIFFIN: Okay.

SEN. ROSENWALD: Representative Weber.

CHAIRMAN GRIFFIN: Oh, sorry. Representative Weber.

REP. WEBER: I -- I had a question about another topic when we get to that; but I'm not sure we're entirely finished.

CHAIRMAN GRIFFIN: Right. Okay. As far as -- uh -- the charge forward -- uh -- well, let's hear from Representative Weber, and then I'll -- then I'll talk about the charge forward.

REP. WEBER: Well, I -- I had a Representative come to me with something about -- uh -- gee, I want to see if the statute's being followed. And I said, ah, that sounds like a performance audit. But now that I have gotten a little more information from them, I'm not sure. But what was suggested to me by Representative Tellez, who sits with me on the Health and Human Services Board, is that -- uh -- one of the things that is of particular concern to professionals in the healthcare field is the whole swamp that is prior authorization. And we did have a relatively new statute that is RSA 420-J:6, which is utilization review.

And in that statute and I, of course, I printed this all out and left it at home, so my apologies. Uh -- but there is a section on disclosure of prior authorization requirements and public -- publication of prior authorization performance indicators. And so what the section says is a health carrier conducting utilization review directly, which sometimes happens; but what more often happens is indirectly through a contracted utilization review entity, shall make any

current prior authorization requirements and restricted -- and restrictions readily accessible on its web site to enrollees, healthcare professionals, and the general public. This includes the written clinical criteria requirements shall be described in detail, but also in easily understandable language.

And -- um -- according to the person who's asking for the information, they can't find it, and they're a doctor so they might -- might have some expertise in that area. And they were wondering what we could do to make sure that that was happening basically. And mindful of the fact that we can do outside audits occasionally, that sounded like it might be actually quite narrow -- uh -- but I'm not sure that an audit is -- is what's needed either.

So I -- I wanted to throw it out to the group for their collective expertise. I've -- and just to say I've also suggested that -- um -- the Representative have a discussion with the Commissioner of the Department of Insurance and -- and work through that way as well, because they're supposed to be overseeing that.

So, once again, we have a question of is the oversight -- is the oversight in the Department effective, and there may be questions of developing rules implementing the

whole thing.

So -- uh -- it's -- it's -- it's very half baked. In fact, I'm not sure its even a quarter baked yet; but it's something I wanted to throw out there as an issue because I know it is a huge issue for many, many, many of our constituents.

And I will just say that I -- I had a thing once where I was on the State Health Plan -- um -- had an authorized PCP who happened to be in Vermont, and I was being referred to an authorized specialist in New Hampshire. And I had to go around through Vermont Blue Cross/Blue Shield for the authorization to have my authorized provider authorize my authorized specialist. And Vermont kicked me off of their policy years ago, because they said I didn't have enough contact with Vermont to be on it. So, you know, it was one of those circular things. And -- and it would be helpful if we could actually have a nice clear, forward-facing set of criteria.

CHAIRMAN GRIFFIN: Senator Lang {Inaudible}.

SEN. LANG: Well, originally, like you say, I think it is DOI. It's Department of Insurance, probably not DHHS for the two auditors that are available and probably there's --

REP. WEBER: There's that.

SEN. LANG: Yeah, probably a conversation with the Commissioner would quickly settle this issue as to whether insurance companies are doing what's required by that insurance regulation.

So -- um -- but Senator Rosenwald and I were just talking about where in DHHS, where possibly have an audit. Uh -- we had two different recommendations or two different ideas, I should say -- um -- both of which I'm okay with and we can pick one -- you know, pick one. One of them was, as you know, we're having discussions with Department of Health and Human Services right now in a pending bill around the Child Care Scholarship Program and TANF funds, and what they're doing with that and how it's being managed. So that was one of them.

One of the suggestions, like I don't know when the last time that program was audited to see how they're utilizing, what rules they're following, and that, and then Senator Rosenwald had another one, which I also agree with; but I'll let her speak to it.

SEN. ROSENWALD: And that was -- um -- we have not yet audited the Mobile Crisis Intervention Program, which has been operative for three or four or five years, and I think has expanded to all the counties now. But the TANF one could

be particularly interesting, because we have gotten very shifting responses from the Department on what the funds can be used for, how much of them can be used for child care and -- and, in particular, when you use the TANF surplus which has been, as Representative Weyler and Erf know, big, very big, was like 70 million last spring.

Now, the Department's saying at the end of next fiscal year it'll probably only be 20 million and that's really low. When you use that surplus, does that add to the 30% that you could use on child care or not. So -- um -- it involves a lot of federal regulation, and there have been changing federal regulations on the scholarship program. Um -- so I -- I don't know to what extent the State Auditors could reasonably look at; but, I mean, it's a lot of money and it's a lot of need.

SEN. LANG: Mr Chair. Again, in the face of the fact the two auditors that are freeing up are DHHS basically auditors that know that area and have expertise the most, I'd consider either one of these two programs, and we can talk about as a Committee what we want to do. But I'd like to see, you know, again, queuing up so that they're ready and they know what's coming up next -- um -- which audit we might consider. I, again, lean to the Child Care Scholarship because it's only a huge amount of money, although I do know that on the Mobile

Crisis I've heard complaints from police that it takes, you know, two days for someone to finally reach back out to them to respond to a request that they -- they called in. And so that is also of concern to me on a mental health basis.

SEN. ROSENWALD: It might be a smaller scope --

SEN. LANG: Yeah.

SEN. ROSENWALD: -- audit.

MS. YOUNG: If I could?

CHAIRMAN GRIFFIN: Yes.

MS. YOUNG: A smaller scope audit is like music to my ears. So that's absolutely what we're looking for. The larger scope audits are very, very -- uh -- complex, cumbersome, difficult, and -- um -- we have such a small group of auditors on the performance audit side, and -- um -- it's difficult for us to get through a very large scope audit. So, yes, we would welcome any audit that is smaller in scope.

CHAIRMAN GRIFFIN: I -- I don't think there's much argument here. We all realize that you're under demands somewhat, given the demands of we put on you. And -- and -- uh -- if we can limit the scope and if we do an audit on a limited scope, and we find out there's serious problems, we always can expand it. So, yeah, I think we all agree with that.

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SEN. LANG: So, Mr. Chair, will make a motion

that the next audit to do will be the one on the Mobile Crisis Intervention Program over at the Department of Health and Human Services.

CHAIRMAN GRIFFIN: Is there a second?

SEN. ROSENWALD: (Raises hand).

REP. WEYLER: Which bill now?

SEN. LANG: The Mobile Crisis. It's a smaller -- to their point, it's a little smaller. And if I heard right, one of them is a fairly new auditor. So maybe a smaller scope will let them get their feet wet and learn a little more.

SEN. ROSENWALD: {Inaudible}.

SEN. LANG: Yeah.

CHAIRMAN GRIFFIN: So I -- I would hope -- we have a motion on the floor. Uh -- all in favor? Opposed?

*** {MOTION ADOPTED}

CHAIRMAN GRIFFIN: Okay. I also would hope that we keep contract maintenance as a potential audit. We don't have to schedule it at this point, but I hope we keep it there.

Uh -- and then I think as far as a Committee helping -- helping you guys, I hope we're helping you guys -- um -- I would like to see us bring in DHHS leadership next -- next meeting -- uh -- and have them -- have them discuss -- um -- what they're doing to follow-up to make sure the contracts

they're letting out are being fulfilled, and -- uh -- we -- we don't want to find ourselves in a position we're embarrassed because nobody asked the question, you know. And I think if -- if they come in and outline their -- their current procedures, and what they're doing, it may lay a lot of concerns to rest. I don't think -- is there anyone on the Committee that disagrees with that? So that --

REP. WEYLER: There's quite a bit of information here {Inaudible}.

CHAIRMAN GRIFFIN: Yeah. So that'll be -- that'll be next -- next thing you reach out and -- and have -- invite them.

MR. HENRY: I'll talk to them right behind me.

4. Other Business

CHAIRMAN GRIFFIN: Okay. We're down to Other Business. Any other business?

SEN. ROSENWALD: Oh, I thought that was other business.

REP. WEBER: I was going to say I'd done my other business, so.

5. Date of next meeting and adjournment

CHAIRMAN GRIFFIN: Okay. The date of the next meeting. How's this -- uh -- the Fridays working pretty good?

10 a.m. working okay?

REP. ERF: {Inaudible}.

SEN. LANG: I agree.

CHAIRMAN GRIFFIN: Is there anyone has long travel time?

REP. WEBER: I have long travel time but {Inaudible}.

CHAIRMAN GRIFFIN: Okay. Let's make it nine o'clock on -- let me look at the calendar here. It's not a holiday or anything, is it? It will be March 6th, 9 a.m. Hopefully, we can get this room again. Okay. Thank you all. Make a motion to adjourn.

** SEN. LANG: So move.

REP. EBEL: Second.

REP. WEBER: Second.

CHAIRMAN GRIFFIN: All in favor?

*** **{MOTION ADOPTED}**

(Meeting adjourned.)

C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter in the State of New Hampshire, do hereby certify that the foregoing transcript is a true and accurate record of the official YouTube audio/video recording on said date. I was not physically present and have transcribed said audio/video recording to the best of my ability, skill, knowledge and belief.



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