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Lori A. Shilbinaette  
Commissioner

Lisa M. Morris  
Director

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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301  
603-271-4501 1-800-852-3345 Ext. 4501  
Fax: 603-271-4827 TDD Access: 1-800-735-2964  
www.dbhs.nh.gov

April 6, 2021

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Authorize the Department of Health and Human Services, Division of Public Health Services, to amend an existing memorandum of agreement with the Department of Safety (VC#177878), Concord, NH for statewide poison control services, by increasing the price limitation by \$25,000 from \$175,000 to \$200,000, and by extending the completion date from June 30, 2021 to June 30, 2022 effective upon Governor and Council approval. 100% Other Funds (Department of Safety E911 Surcharge Funds).

The original memorandum of agreement was approved by Governor and Council on June 29, 2016, Item #29.

Funding for these services were appropriated through the biennial budget process in State Fiscal Years 2018 through 2021 and is currently included in the Department of Health and Human Services agency budget for State Fiscal Year 2022, pending passage of the biennial budget for State Fiscal Years 2022 and 2023.

**EXPLANATION**

The purpose of this request is to continue accepting funds from the Department of Safety that support, in part, the current contract that provides statewide poison control services to New Hampshire residents on a 24-hour per day, 7 days a week basis, in accordance with Revised Statutes Annotated 126-A:49. New Hampshire is responsible for developing or designating a statewide program for poison information and treatment.

Approximately 41,000 individuals will be served from June 29, 2016 to June 30, 2022.

Should the Governor and Council not authorize this request, poison center services would not be available to New Hampshire residents through the national toll free hotline. This could lead to an increase in health care costs due to individuals going to Emergency Departments for potentially non-urgent matters. Additionally, deaths from ingesting poisonous materials could occur without these services.

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
Page 2 of 2

**Area served: Statewide**

**In the event that the Other Funds become no longer available, General Funds will not be requested to support this program.**

**Respectfully submitted,**



**Lori A. Shabinette  
Commissioner  
Department of Health & Human Services**



**Robert L. Quinn  
Commissioner  
NH Department of Safety**



**New Hampshire Department of Health and Human Services  
Funding For The Implementation Of Statewide Poison Services**

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**State of New Hampshire  
Department of Health and Human Services  
Amendment #1 to the Funding for the Implementation of Statewide Poison Services  
Memorandum of Agreement**

This 1<sup>st</sup> Amendment to the Funding for the Implementation of Statewide Poison Services Memorandum of Agreement (MOA) (hereinafter referred to as "Amendment #1") is by and between the State of New Hampshire, Department of Health and Human Services (hereinafter referred to as the "State" or "Department") and Department of Safety (hereinafter referred to as the "DOS"), a State agency with a place of business at 33 Hazen Drive, Concord, NH 03301.

WHEREAS, pursuant to an agreement (the "MOA") approved by the Governor and Executive Council on June 29, 2016 (Item #29), the DOS agreed to perform certain services based upon the terms and conditions specified in the MOA and in consideration of certain sums specified; and

WHEREAS, pursuant to the terms of the MOA, the MOA may be extended and modified upon written agreement of the parties and approval from the Governor and Executive Council; and

WHEREAS, the parties agree to modify the terms of the MOA, extend the completion date, and increase the price limitation to support continued delivery of these services; and

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained in the MOA and set forth herein, the parties hereto agree to amend as follows:

1. Modify the MOA as approved on June 29, 2016 by replacing it in its entirety with MOA Amendment #1, which is attached hereto and incorporated by reference herein.

Department of Safety

Amendment #1

Agency Initials: RD

MOA-2017-DPHS-02-POISO-01-A01

Page 1 of 3

Date: 4/20/17



**New Hampshire Department of Health and Human Services  
Funding For The Implementation Of Statewide Poison Services**

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This amendment shall be effective upon the date of Governor and Executive Council approval.

IN WITNESS WHEREOF, the parties have set their hands as of the date written below,

DocuSigned by:  
*Lisa M. Morris*  
0033D0F096CAF4A0  
\_\_\_\_\_  
Lisa M. Morris, Director  
Division for Public Health Services  
NH Department of Health and Human Services

4/26/2021  
\_\_\_\_\_  
Date

*Lori A. Shibinette*  
\_\_\_\_\_  
Lori A. Shibinette, Commissioner  
Department of Health and Human Services

2/23/2021  
\_\_\_\_\_  
Date

*Robert L. Quinn*  
\_\_\_\_\_  
Robert L. Quinn, Commissioner  
NH Department of Safety

4-20-2021  
\_\_\_\_\_  
Date



**New Hampshire Department of Health and Human Services  
Funding For The Implementation Of Statewide Poison Services**

The preceding Amendment, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

4/30/2021

Date

DocuSigned by:

DSCAR2020E33CAAE

Name: Catherine Pinos

Title: Attorney

I hereby certify that the foregoing Amendment was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on: \_\_\_\_\_ (date of meeting)

OFFICE OF THE SECRETARY OF STATE

Date

Name:

Title:

# Funding For the Implementation Of Statewide Poison Services



## MEMORANDUM OF AGREEMENT

Between

DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC  
HEALTH SERVICES

And

DEPARTMENT OF SAFETY

AMENDMENT #1



**New Hampshire Department of Health and Human Services  
Funding For The Implementation Of Statewide Poison Services**

**MOA - AMENDMENT #1**

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**1. GENERAL PROVISIONS**

- 1.1. This first amendment to the Memorandum of Agreement (MOA) approved by the Governor and Executive Council on June 29, 2016 (Item #29), is between the New Hampshire Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS), 29 Hazen Drive, Concord NH 03301, and the New Hampshire Department of Safety (DOS), 33 Hazen Drive, Concord, NH 03301.
- 1.2. The purpose of this Amendment #1 to the MOA, is to amend the roles and responsibilities of the DHHS and DOS, related to collaboration and support of the current contract for the provision of statewide poison services. The contract with MaineHealth d/b/a Northern New England Poison Center was approved by Governor and Executive Council on June 24, 2020 (Item #42).
- 1.3. This amendment to the MOA modifies and enhances the scope of services, adds additional funding, and extends the completion date to June 30, 2022. The parties agree that this Amendment #1 replaces the existing MOA as referenced in Section 1.1 above, in its entirety, effective July 1, 2021.
- 1.4. This amendment to the MOA is effective July 1, 2021, subject to Governor and Council approval through June 30, 2022.

**2. THE DEPARTMENT OF SAFETY AGREES TO:**

- 2.1. Ensure that the funds budgeted for the NH Department of Health and Human Services (DHHS) will be paid to DHHS, through an interagency transfer approved by Governor and Council. Such funds will enable the DHHS to contract, in part, for statewide poison services.
- 2.2. Provide DHHS with funding in the amount of \$25,000 per year, with a price limitation of \$175,000 to fund the contractor selected through a competitive grant process every two years with the possibility of an additional two years in amendments, and to contribute to expenses necessary for implementation as set forth in the contractual requirements for statewide poison center services as approved by Governor and Council.

**3. THE DEPARTMENT OF HEALTH & HUMAN SERVICES AGREES TO:**

- 3.1. Act as the Administrator for the statewide poison center services' contract as approved by Governor and Council. This includes both fiscal and programmatic oversight.
- 3.2. Work with the contractor in monitoring required services; this includes, at a minimum, quarterly meetings with contractor and Maternal and Child Health (MCH) staff.

**4. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF SAFETY THAT:**

- 4.1. The DOS agrees to provide the \$25,000 annually, subject to the continued availability of funding.
- 4.2. The maximum amount of funds available for reimbursement under this amendment to the MOA for State Fiscal Year 2022 from the DOS shall be covered by the E911 surcharge funding totaling \$25,000.
- 4.3. Disputes arising under this MOA which cannot be resolved between the agencies shall be referred to the New Hampshire Department of Safety for review and resolution.
- 4.4. This MOA shall be construed in accordance with the laws of the State of New Hampshire.
- 4.5. The parties hereto do not intend to benefit any third parties and this MOA shall not be construed to confer any such benefit.



**New Hampshire Department of Health and Human Services  
Funding For The Implementation Of Statewide Poison Services**

**MOA - AMENDMENT #1**

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- 4.6. In the event any of the provisions of this MOA are held to be contrary to any state or federal law, the remaining provisions of this MOA will remain in full force and effect.
- 4.7. This MOA, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire MOA and understandings between the parties, and supersedes all prior MOA and understandings relating hereto.
- 4.8. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.

New Hampshire Department of Health and Human Services  
Funding For The Implementation Of Statewide Poison Services



MOA - AMENDMENT #1

5. APPROVAL

DocuSigned by:  
Lisa M. Morris  
D632DBE8BCA54A0  
\_\_\_\_\_  
Lisa M. Morris, MSSW  
Director  
NH Division of Public Health Services

4/26/2021  
\_\_\_\_\_  
Date

Lori A. Shibanette  
\_\_\_\_\_  
Lori A. Shibanette  
Commissioner  
NH Department of Health and Human Services

2/23/2021  
\_\_\_\_\_  
Date

Robert L. Quinn  
\_\_\_\_\_  
Robert L. Quinn  
Commissioner  
NH Department of Safety

4-20-2021  
\_\_\_\_\_  
Date

The preceding Amendment #1 to the Memorandum of Agreement, having been reviewed by this office, is approved as to form, substance, and execution.

4/30/2021  
\_\_\_\_\_  
Date

OFFICE OF THE ATTORNEY GENERAL  
DocuSigned by:  
Catherine Pinos  
D5CA9202E32C4AE...  
\_\_\_\_\_  
Name: Catherine Pinos  
Title: Attorney

I hereby certify that the foregoing Amendment was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on: \_\_\_\_\_ (date of meeting).

OFFICE OF THE SECRETARY OF STATE

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

29 mac



Jeffrey A. Meyers  
Commissioner

Marcella Jordan Bobinsky  
Acting Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301-6503  
603-271-1037 1-800-852-3345 Ext. 1037  
Fax: 603-271-4519 TDD Access: 1-800-735-2964



May 23, 2016

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

1. Authorize the Department of Health and Human Services, Division of Public Health Services, Bureau of Population Health & Community Services, Maternal & Child Health Section, Injury Prevention Program to enter into a Memorandum of Agreement (MOA) with the Department of Safety (vendor #177878) 33 Hazen Drive, Concord, NH 03302-0002 for the purpose of supporting statewide poison control services. The Division of Public Health requests that this agreement be effective date of Governor and Council approval through June 30, 2017 in an amount not to exceed \$175,000.

2. Subject to the approval of Item #1 above, authorize the Department of Health and Human Services, Division of Public Health Services, Bureau of Population Health and Community Services, Maternal & Child Health Section, Injury Prevention Program to accept and expend Other Funds in the amount of \$50,000 from the Department of Safety effective date of Governor and Council approval through June 30, 2017 and further authorize the funds to be allocated as follows for SFY16 and SFY17. Funds awarded for periods after SFY2017 are anticipated to be included in the future operating budgets for SFY18 through SFY 21.

05-95-90-902010-12280000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SERVICES, HHS: DIVISION OF PUBLIC HEALTH, BUREAU OF POPULATION HEALTH & COMMUNITY SERVICES, POISON CONTROL CENTER

SFY 2016

Class/Object	Class Title	Current Modified Budget	Increase (Decrease) Amount	Revised Modified Amount
000-000000	General Funds	\$520,000	\$0	\$520,000
009-484923	Agency Income (DOS)	\$0	\$25,000	\$25,000
<b>Total Revenue</b>		<b>\$520,000</b>	<b>\$25,000</b>	<b>\$545,000</b>
102-500731	Contracts for Program Serv	\$520,000	\$25,000	\$545,000
<b>Total Expenses</b>		<b>\$520,000</b>	<b>\$25,000</b>	<b>\$545,000</b>

SFY 2017

Class/Object	Class Title	Current Modified Budget	Increase (Decrease) Amount	Revised Modified Amount
000-000000	General Funds	\$520,000	\$0	\$520,000
009 484923	Agency Income (DOS)	\$0	\$25,000	\$25,000
<b>Total Revenue</b>		<b>\$520,000</b>	<b>\$25,000</b>	<b>\$545,000</b>
102-500731	Contracts for Program Serv	\$520,000	\$25,000	\$545,000
<b>Total Expenses</b>		<b>\$520,000</b>	<b>\$25,000</b>	<b>\$545,000</b>

### EXPLANATION

Funds in this agreement will be used to provide poison information and control services, including medical consultation to New Hampshire residents on a 24-hour per day, 7 days a week basis. As per Revised Statutes Annotated 126-A:49, New Hampshire is responsible for developing or designing a statewide program for poison information and a poison information center that provides information and medical consultation on a daily, 24 hour basis for all New Hampshire residents and care providers.

In response to the anticipated two-part question, "Can these funds be used to offset General Funds?" and "What is the compelling reason for not offsetting General Funds?" the Division offers the following information: These funds may not be used to offset General Funds as they are specifically granted to the State for the purpose of providing the services described above.

These funds will not change the program eligibility levels. No new program will be established with the acceptance of these funds.

Area served: Statewide

Source of funds: These funds are 100% Other Funds. Attached is the Memorandum of Agreement between the Department of Health and Human Services, Division of Public Health Services, Maternal & Child Health Section, Injury Prevention Program and the Department of Safety.

In the event that these Other Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,



for Marcella J. Bobinsky  
Acting Director



Approved by Jeffrey A. Meyers  
Commissioner

## **MEMORANDUM OF AGREEMENT**

**between the**

**New Hampshire Department of Health and Human Services**

**and the**

**New Hampshire Department of Safety**

**Effective date of Governor and Council approval through June 30, 2021**

**Subject: Funding for the implementation of statewide poison services**

This Memorandum of Agreement (MOA) describes activities that have been agreed to between the New Hampshire Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS), Bureau of Population Health and Community Services, Maternal and Child Health Section (MCH) and the New Hampshire Department of Safety (DOS).

The New Hampshire Department of Health and Human Services, Division of Public Health Services and the New Hampshire Department of Safety agree to enter into a Memorandum of Agreement, in the amount of \$25,000 annually, with a price limitation of \$175,000. The Department of Safety will provide funding to the Department of Health and Human Services for purposes of supporting, in part, the current contract for the provision of statewide poison services. As of the date of Governor and Council approval, the contractor is MaineHealth.

This MOA will take effect upon date of Governor and Council approval and be in effect through June 30, 2021. This agreement has the option to renew pending availability of funding, the agreement of the parties, and approval by Governor and Council.

For the purposes of this Agreement, DHHS and DOS agree to cooperate as follows:

**I. The New Hampshire Department of Safety agrees to:**

1. Assure that the funds budgeted for the NH Department of Health and Human Services (DHHS) will be paid to DHHS, through an interagency transfer approved by Governor and Council. Such funds will enable the DHHS to contract, in part, for statewide poison services.
2. Provide DHHS with funding in the amount of \$25,000 per year, with a price limitation of \$175,000 to fund the contractor selected through a competitive grant process every two years with the possibility of an additional two years in amendments, and to contribute to expenses necessary for implementation as set forth in the contractual requirements for statewide poison center services as approved by Governor and Council.

**II. The New Hampshire Department of Health and Human Services agrees to:**

1. Act as the Administrator for the statewide poison center services' contract as approved by Governor and Council. This includes both fiscal and programmatic oversight. The contractor is selected through a competitive bid process every two years with the possibility of an additional two years in amendments.
2. Work with the contractor in monitoring required services, this includes, at the least, quarterly meetings with contractor and MCH staff.

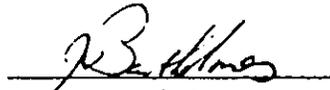
**III. It Is Further Understood and Agreed Between DHHS and DOS:**

1. That DOS will not be responsible for any expenses or costs incurred by the DHHS under this Agreement prior to the date of Governor and Council approval.
2. That the maximum amount of funds available for reimbursement under this Agreement from the DOS shall be a total of \$25,000 per grant year with \$12,500 of those costs covered by the revolving Fire/Emergency Medical Services fund and \$12,500 of those costs covered by E911 surcharge funding for the years ending June 30<sup>th</sup>, 2016 and June 30<sup>th</sup>, 2017, for the years ending June 30<sup>th</sup>, 2018, June 30<sup>th</sup>, 2019, June 30<sup>th</sup>, 2020, and June 30<sup>th</sup>, 2021, the \$25,000 shall be covered by E911 surcharge funding. The DOS will not be responsible for any expenses or costs incurred by the DHHS under this Agreement in excess of the above amounts unless additional funding is expressly authorized by the DOS prior to the work being performed, agreement of the parties, and Governor and Council approval.
3. DOS agrees to provide the \$25,000 annually, subject to the continued availability of funding.

IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.



Jeffrey A. Meyers  
Commissioner  
Department of Health and Human Service



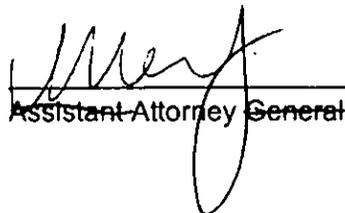
John J. Barthelmes  
Commissioner  
Department of Safety

6/9/16  
(Date)

6/10/16  
(Date)

Attorney General This is to certify that the above AGREEMENT has been reviewed by this office and is approved as to form and execution.

4/12/14  
(Date)



Assistant Attorney General

Secretary of State This is to certify that the GOVERNOR AND COUNCIL on \_\_\_\_\_ approved this AGREEMENT.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Attest)

\_\_\_\_\_  
(Secretary of State)