

May 3, 2022

**Via Electronic Mail Only**

New Hampshire Executive Council  
107 North Main Street  
State House, Room 207  
Concord, NH 03301

**RE: NH Department for Health and Human Services' Request to Enter into Sole Source Contract with Wellpath Recovery Solutions to operate a children's psychiatric hospital at Hampstead Hospital.**

Dear Honorable members of the Executive Council:

We are writing on behalf of Disability Rights Center-NH, NAMI New Hampshire, New Futures, New Hampshire Legal Assistance, and Waypoint – each of which works to ensure that New Hampshire's children who experience emotional and behavioral health challenges have access to high quality services that will provide for their treatment and safety needs.

We have serious concerns with the New Hampshire Department of Health and Human Services (DHHS) plan to enter into a sole source contract with Wellpath Recovery Solutions to provide inpatient psychiatric behavioral health services at Hampstead Hospital, New Hampshire's sole facility for Medicaid-funded inpatient psychiatric care for children, some of whom are as young as 5 years old. We thank you for voting to table DHHS's request to enter into this sole source contract. Should this request be put before you again, we urge you to carefully consider whether this proposed contractor and contract adequately address the treatment and safety needs of New Hampshire's children who require inpatient services.

Wellpath Recovery Solutions is the subject of numerous allegations of abuse and neglect of the individuals it has been charged to serve. Additionally, because Wellpath Recovery Solutions' experience and work is overwhelmingly focused on healthcare services for adults in prisons we do not believe this company is qualified to provide in-patient psychiatric care to children experiencing acute mental health crises. Other than juvenile detention centers, we have been unable to locate any inpatient psychiatric treatment facilities serving children that are operated by this company.

We question whether Wellpath Recovery Solutions is capable of providing high quality therapeutic services that fully address the needs of children who require inpatient psychiatric care. Below are summaries of two of the public reports that cast serious doubts on Wellpath Recovery Solution's ability to meet the essential treatment and safety needs of youth who would be in its care. These and other reports are included in a New Hampshire Bulletin article authored by Ms. Annmarie Timmins featured here:

<https://newhampshirebulletin.com/2022/04/27/councilors-advocates-raise-concerns-about-company-chosen-to-provide-care-at-hampstead-hospital/>.

- Earlier this year, the Disability Law Center of Massachusetts (DLC) issued a scathing report regarding Wellpath Recovery Solutions' operations at Bridgewater State Hospital. DLC's concerns about Wellpath Recovery Solutions' operations at Bridgewater State Hospital included the illegal use of chemical and physical restraint and seclusion practices; a pervasive culture of punishment and intimidation; limiting access to necessary medical care for some residents and a lack of programming for some residents, including residents with intellectual or developmental disabilities. DLC also found deficiencies in discharge planning and continuity of care. DLC's full report is available at <https://www.dlc-ma.org/wp-content/uploads/2022/02/DLC-BSH-January-2022-Public-Report-2.9.2022.pdf>.
- A U.S. Department of Justice investigation into conditions of confinement at the San Luis Obispo County Jail which contracted with Wellpath Recovery Solutions for medical and mental health care found reasonable cause to believe the jail violated the constitutional and statutory rights of prisoners for, among other things: failing to provide adequate medical and mental health care; and failing to prevent, detect or correct the use of excessive force. The full report, issued on August 31, 2021 is available at [https://www.justice.gov/opa/press-release/file/1429076/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1429076/download?utm_medium=email&utm_source=govdelivery)

We are acutely aware that due to gaps in New Hampshire's behavioral health system, some of New Hampshire's most vulnerable children have endured prolonged stays at hospital emergency departments while awaiting appropriate psychiatric treatment at a hospital, other facility or in their homes and communities. We firmly believe that children who experience mental health challenges have the best outcomes when they receive evidence-based interventions in their homes and communities. However, there are instances in which a child's emotional or behavioral status is so precarious that they may require inpatient psychiatric services to keep them safe and treat their underlying illnesses. In such cases, we need to make certain that our state provides these children with high quality treatment that meets their needs and they are not further traumatized in the hospital.

The decision to enter into a contract in excess of \$52 million for the provision of inpatient psychiatric services for some of New Hampshire's most vulnerable children over the next two years should not be entered into lightly. DHHS should take the necessary actions to ensure that, after the State takes ownership, children admitted to Hampstead Hospital will be safe and receive high quality psychiatric services. Given the current workforce shortage, we all could have anticipated challenges with staffing the Hospital and actions should have been taken swiftly to plan for this transition, including issuing a request for proposals for qualified vendors or thoroughly researching and reaching out to potential qualified vendors.

If the request to contract with Wellpath Recovery Solutions is brought before you again when you meet, we urge you to fully consider the treatment and safety needs of children with mental illness. We encourage you to explore other vendors who may have more experience with providing services to children in psychiatric distress. Alternatively, explore whether it is possible to offer short-term contracts with the existing staff at Hampstead Hospital to provide services until an RFP can be issued and completed.

Should no other vendor be available, the contract should provide for additional protections for the children served by Wellpath. For example:

1. A provision authorizing the Office of Child Advocate to monitor Hampstead Hospital's electronic case management, medical records files, and incident reports in real-time;
2. Funding to establish an ombudsman at the Office of the Child Advocate who will review all records described in paragraph 1 above and conduct on-site monitoring;
3. A provision requiring DHHS staff to be on-site at all times to oversee operations and operate a quality assurance program;
4. A clear and prompt procedure for DHHS to receive, investigate, and remedy patient complaints;
5. Quarterly public reports summarizing incidents related to provision of essential medical and psychiatric services, and use of restraint and seclusion, to HHS Oversight Commission, Office of Child Advocate, Disability Rights Center – NH.

Boarding New Hampshire's most vulnerable children already struggling with a mental health crisis in emergency departments is not the answer; but neither is rushing to contract their care to a for-profit corporation that is the subject of multiple complaints of abuse and neglect of the individuals entrusted to them for their care. We can, and must, do better for our children. Please do not hesitate to contact any of us for further information or if you would like to discuss this matter.

Thank you for your thoughtful deliberations.

Sincerely,

Stephanie Patrick, Executive Director  
*Disability Rights Center – NH*

Michele Merritt, President and CEO  
*New Futures*

Susan Stearns, Executive Director  
*NAMI New Hampshire*

Sarah Mattson Dustin, Executive Director  
*New Hampshire Legal Assistance*

Borja Alvarez de Toledo, President and  
CEO  
*Waypoint of New Hampshire*

cc: Governor Chris Sununu  
Commissioner Lori Shibinette  
Cassandra Sanchez