

January 15, 2010

Chairman Harding
Committee on Committees
Room 409, LOB
33 North State Street
Concord, NH 03301

Dear Chairman Harding,

Thank you for your request for information regarding the Comprehensive Cancer Plan Oversight Board. Below, please find responses to your questions. Minutes are attached and you may find all Oversight Board minutes by visiting nhcanerplan.org.

RSA: 126-A:65

Committee Name: Comprehensive Cancer Plan Oversight Board (OB)

Date: January 14, 2010

Person Completing Form: Peter Ames, American Cancer Society. 471-4110;
peter.ames@cancer.org.

Relation to Committee: Former Member, active non-voting participant.

Chairperson: Dr. Lynn Butterly

1. The last meeting of the OB was June 8, 2009.
2. The OB meets as needed. No set schedule.
3. Most meetings meet quorum. Approximately 75%.
4. The OB was established to “oversee the Department of Health and Human Services’ allocations of moneys from the comprehensive cancer fund.” (RSA 126-A:65, I). The board was granted further authority in 2008 to determine the allocation levels of the appropriation for the cancer plan fund among the priorities identified in RSA 126-A:64. The board’s responsibility is to ensure that any funding appropriated to the cancer plan fund is spent in the best possible manner to accomplish the goals of the New Hampshire Comprehensive Cancer Plan.
5. This board is designed to ensure that the Department of Health and Human Services is providing the best possible services to the State of New Hampshire in fighting cancer through the Comprehensive Cancer Plan. A previous committee with oversight jurisdiction over tobacco prevention program funding (the Tobacco Use Advisory Committee) was disbanded as a result of the formation of the OB. This board brings together lawmakers, the Department, cancer experts, and cancer survivors to ensure the most efficient and impactful use of state dollars.
6. The OB was given authority to oversee and allocate the cancer plan fund appropriation. This authority is typically only provided to bodies that are in some capacity under the purview of state government. Guidance and recommendations could be made outside of government through the existing Comprehensive Cancer Collaboration Board of Directors. The Comprehensive Cancer Collaboration is the body that developed the Comprehensive Cancer Plan, which was the basis for the cancer plan fund. However, the General Court intended to give boarder authority than just guidance or recommendations

under RSA126-A:64-65. Granting this level of authority to a body outside of government, such as the CCC Board, traditionally has not been supported by the General Court. If the General Court wishes to only have non-binding recommendations on the use of the cancer plan fund, those responsibilities could be done outside of government.

7. As noted in Question #6, the Comprehensive Cancer Collaboration Board of Directors is tasked with overseeing the implementation of the Comprehensive Cancer Plan. The Comprehensive Cancer Plan is a very broad document with many cancer control strategies, some of which should be done outside of the purview of government. However, the Board also oversees the strategies contained under the cancer plan fund because they align with the Comprehensive Cancer Plan. Many of the OB members are also current or past Comprehensive Cancer Collaboration board members. As discussed above, this body would be entirely appropriate for recommendations and guidance on the cancer plan fund, but may be inappropriate for oversight and allocation authority over the fund.
8. If the OB is repealed, the cancer plan fund would be overseen in the same manner as any other appropriation that is not connected to a specific review committee. It should be noted that by statute the OB, as well as the cancer plan fund, are set to be repealed on June 30, 2011. Coincidentally, the same date as that specified around non-regulatory boards and commissions in Ch 144:87, 2009. This was put in statute because the cancer plan fund was based on the Comprehensive Cancer Plan. The Comprehensive Cancer Plan was a five year plan, 2005-2010, with a new plan set to be published in the spring of 2010. Knowing that a new plan would be published with updated statistics, evidence, and research, 126-A:64-65 was designed to sunset so the General Court would be required to proactively update the statute if it wished to continue the cancer plan fund. It is quite possible that the strategies for the fund outlined in 126 A:64 may require updating and so a repeal was put in place to ensure that any new appropriation would be well spent. However, if the repeal of the committee goes forward, but the fund stays in law with an appropriation, there would not be adequate oversight. As mentioned above, the Tobacco Use Advisory Committee was previously repealed due to the fact that the OB had jurisdiction over tobacco programming appropriations under the cancer plan fund. The repeal of that committee may have been reconsidered if it resulted in a complete lack of oversight over tobacco programming appropriations.
9.
 - A. The OB is not funded. All members are volunteers. However, legislative members of the OB do receive reimbursement when traveling to meetings. Any administrative costs (agenda printing, meeting space, etc) are given in kind, typically by the Comprehensive Cancer Collaboration.
 - B. The OB does not spend any funds. The only tax dollars used would be the reimbursement requested by the legislative members of the committee, which is unknown.
 - C. The OB has no staff.
 - D. The OB does not conduct fundraising.

10. The OB is entirely an entity of state government and is not in any way connected to federal law.
11. In my opinion, having worked extensively with the OB since its inception, I believe that the OB supports the sunset in the current law and they would not want to see the OB repealed before that date. Additionally, because the OB sunset date and the repeal date being considered by the Committee on Committees are the same, it would appear that the existing law is sufficient. Furthermore, if the OB is repealed before the cancer plan fund is repealed, it would leave that fund without oversight and there would be no entity to allocate funding as required in RSA 126-A64, creating a catch-22. Although there is only a \$1 appropriation in the cancer plan fund for each year of the biennium, the fund is able to accept funding outside of the government. Should this happen, the OB would be essential to allocate those funds.

Thank you for reviewing the Comprehensive Cancer Plan Oversight Board. If you have any questions, please do not hesitate to contact me. The Chair of the Oversight Board, Dr. Lynn Butterly, also wishes to thank you for your work and is available for questions.

Sincerely,

Peter T. Ames, MPH
Director of Advocacy
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