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Erica Ross-Skianes Via Email: Erica.M.Ross-Skianes@dhhs.nh.gov
Program Planner III
Office of Client and Legal Services
New Hampshire Department of Health and Human Services
105 Pleasant Street
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Re: PART He-M 518 – EMPLOYMENT SERVICES.

Dear Ms. Ross-Skianes,

Thank you for the opportunity to provide comments on the He-M 518 rules during the informal comment process. The Council received the draft rule for informal comment on November 15, 2023, and could not complete this draft until the next scheduled Quality Council meeting on December 20, 2023. We hope that you will consider this feedback in the informal drafting process.

Overview

These comments build on comments on He-M 518 sent by the Quality Council in 2021. In the future, we hope that BDS will check for Quality Council comments in developing informal drafts and rules. The previous comments are available at <https://www.nhqualitycouncil.org/recommendations>.

In addition to the specific comments on He-M518 below, the Quality Council wants to encourage BDS to provide additional support of people with disabilities and families to understand the regulations and regulatory process. Simple changes like adding the title/topic when a rule references another rule would help with the ease of understanding.

We also encourage BDS to develop or support the development of a guide to the regulatory process in plain language to be shared widely with people with disabilities and their families. We are pleased that BDS is developing a plain language version of the He-M 310s and hope this expands to other rules.

The quality council appreciates the removal of reference to he/him and she/her. Rules should reflect gender neutral language.

The service array within employment services must be innovative, flexible, and comprehensive enough to address the different needs of people with different disabilities. One example is employment check-ins that can be paid when they occur outside of working hours. Another is support for customized employment and support for the development of natural supports in the workplace. The

Council is excited for the opportunity to explore these opportunities in the development of employment supports in the new waiver.

Specifically, employment supports must be designed to meet the needs of autistic people. As noted in the Governor's Commission on Disability's Analysis and Report by the Committee to Study the Sates's System of Support for Individuals with Developmental disabilities and Recommendations for Reforms and Improvements issued in February 2020 (<https://www.nh.gov/disability/mediaroom/documents/hb4final.pdf>), the number of waiver participants with autism spectrum disorder is increasing and the lack of specialized services with evidence based outcomes for this population is a significant gap.

The development of new rates for employment services is the most critical change needed for this service. Rates must be much more flexible. For example, rates may be lower when providing educational planning for employment but should be higher when working 1:1 with an individual. As a system, we should be able to customize billing to go along with customized services rather than one fixed rate for everything, have different rates for different services. The Council hopes this will be addressed in the development of new rates and is making additional recommendations related to rates in the comments below.

He-M 518.07 Covered Services

There needs to be some communication to providers about expectations and rates must be sufficient to cover needed follow along activities. Very often, the success of employment placement is due to follow-along services provided to the individual and employer. This can be in the form of calls, emails, visits, etc. It is often not when in the presence of the person receiving the support because it entails contact with the employer to touch base, check in, and to fix any arising problems. This is not currently a billable service unless the support is in-person, and with the individual who is employed being present.

He-M 518.08 Employment Planning for Youth Aged 14 through 22 Years in School

The Council is concerned that there is some confusion and inconsistency in employment planning for transition aged youth. The Council recommends additional discussions about responsibilities with people with disabilities, family members, service coordinator, employment support providers to make sure services are provided consistently across the state. In addition, the council encourages BDS to work with the NH Department of Education and local school districts to improve service coordination.

He-M 518.10 Staff Qualifications and Responsibilities.

It is important that the new rates for employment support services are sufficient to cover the costs of staff training for job coaches, employment supporters and other employment support professionals just like overhead. The council also recommends a discussion of training expectations and costs at a provider meeting for clarity now and when new rates are introduced.

Under the section of staff qualifications, it is recommended that more flexibility and leniency be provided under the waiver process related to staff training requirements, especially when some trainings may not be offered consistently. Trainings must be more readily available for job coaches and job developers and the annual training for job coaches in the seven areas currently outlined should be more flexible. The Council recommends that this is addressed through the development of the new waiver services.

He-M 518.11 Oversight and Quality Improvement.

The Council is concerned that the MOU between BDS and the Office of Vocational Rehabilitation has been in development for a number of years. We recommend that this be finalized as soon as possible and that is thoroughly vetted and incorporates situations where more robust supports that are needed, avoids overlap, and targets supports for specific job goals.

Finally, the Council encourages BDS to track specific performance measures related to employment outcomes, including rates of employment, wages, and hours worked for BDS in the waiver and for providers of employment services and area agencies more generally.

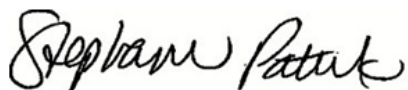
He-M 518.12 Waivers.

The Council believes that people with disabilities and families could benefit from additional information regarding waivers, including what is and is not in the statute and therefore eligible for a waiver. The Council suggests a one-page document with this information.

As noted in previous rules comments, the Council recommends that information about any current waivers be available on the provider's website. This could include all waivers received, trended data on specific rules waivers and information about efforts to come into compliance with the waived rule. The Rules should also set specific timelines for the Bureau to respond to waiver requests, ideally within 72 hours.

Thank you for the opportunity to provide comments.

Respectfully submitted,



Stephanie Patrick, Council Chair

Isadora Rodriguez-Legendre, Council Vice Chair