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Via Email

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Re: Comments on He-M 503 Rule

The Quality Council appreciates the opportunity to comment on the He-M 503 Rules, which protect the rights of all people with developmental disabilities across the state.

These comments were developed after numerous discussions at both the Quality Council's Rules and Regulations' Committee and at the full Council. They are based on the current He-M 503 Rule. The Council hopes to provide additional comments on draft revisions to the rule in the future

POLICY SUGGESTIONS:

Whenever the rule states that the "individual, guardian or representative..." consider changing to "the individual, and his or her guardian or representative...."

There should be consistency between sections 503.03 and 503.13 in terms of defining age of eligibility. Incorporate changes to rule that were adopted in 2019.

There is a lack of clarity in terms of assigning the status of "conditionally eligible." This status can be used when an applicant is under 21, but the rule states that the area agency should reach a conclusive decision before the individual turns 18.

503.04 (d): consider adding an item "(8) Appeals procedures as outlined in He-M 03.17" and "(9) Advocacy Supports."

503.04 (f): This is confusing. Should this be changed to something that references the funding source, legal responsibility of the state, or another factor that "shuts off" when 503.05 no longer applies?

503.07 (f)(1): please define what enforcement mechanisms exist to ensure.

503.08: The committee assumes that there will be changes in this section to clarify the differences between service coordination and area agency responsibilities.

503.08 (d)(8)(e) recommend defining a timeframe in which the meeting shall take place.

503.09 (d)(13): Risk assessment process and planning that is derived from this needs to be done in a manner that continues to value individual choice and freedoms and have a tighter timeframe around it to ensure that historical incidents don't overly impact current rights and opportunities.

Risk assessments should be re-done at a frequency that allows for the capture of more current levels of risk and that are using evidence-based tools for determining actuarial risk.

503.09 (d)(13)(a)(1-3) It is unclear why only these three behavior categories are listed. Do they need to be listed or are there others that should be added?

503.11: Does there need to be a section for Record Requirements for Service Providers?

503.14: Consider adding a timeframe in which the completion of transfer occurs. Also the rule does not specifically state that an Area Agency cannot refuse to accept a transfer. Should this be made more affirmative?

503.15: Termination as it is currently defined does not apply to a situation in which a vendor terminates its services to an individual, therefore no due process rights are established for the individual if they wish to continue to be served by that vendor. There is also no affirmative requirement that services shall be continued until the individual can receive the necessary services from another provider, or that they consent to the termination.

503.17 (c): there may be other actions that should be considered as warranting notification, such as failure of an AA to act at all or to put services in place, determinations of risk and subsequent restrictions placed, transfers not completed within a prescribed timeframe, etc

503.02(an) definition of termination should include cessation of service by service provider.

503.10(h)(1)(b)(6) define documentation requirements and how they apply to service providers and area agencies, i.e. there should be something to assure that provider is giving quality services

503.12 – add new record requirements for service providers that mirror those for provider agencies

TECHNICAL SUGGESTIONS:

Throughout this document, there are references to “basic service agreement” and “expanded service agreement.” We recommend clarifying the difference between these terms and the Individualized Service Agreement in use state-wide.

Add a definition of “generic resources.”

503.06 (b)(1) through (b)(3): please identify why these specific ages are requested.

Need a clearer definition of what “person centered planning” means.

503.10 (b)(13)(h)(1)(b)(4) add the timeframe in which the training needs to be completed.

503.15 (c) and later in this section, change “in (c) above” to “in (b) above”

503.17 (g)(2)(a) clarify which benefits cease

If you have any questions regarding the Quality Council, feel free to reach out to us at any time: Sarah Aiken saiken@communitybridgesnh.org or Vice-chair: Stephanie Patrick stephaniep@drcnh.org

Warm Regards,

Sarah Aiken, Chair



Stephanie Patrick, Vice Chair

