



# New Hampshire Department of Health and Human Services

*To join communities and families in providing opportunities  
for citizens to achieve health and independence*



# Office of Operations Support (OOS)



# OOS Administration & Appeals

## Mission Statement

To provide leadership and management for the Office and an impartial process for appeals from all final department actions.



# **OOS Administrative Rulemaking**

## **Mission Statement**

To provide a centralized and standardized rule review, promulgation, and maintenance function for the department. To provide support to all departmental program areas with any and all aspects of rulemaking



# OOS Ombudsman

## **Mission Statement**

To facilitate resolution of complaints regarding department programs and operations



# OOS Licensing and Certification

## **Mission Statement**

To ensure the safety and well being of individuals being served in licensed and certified facilities and programs through the just enforcement of laws and regulations



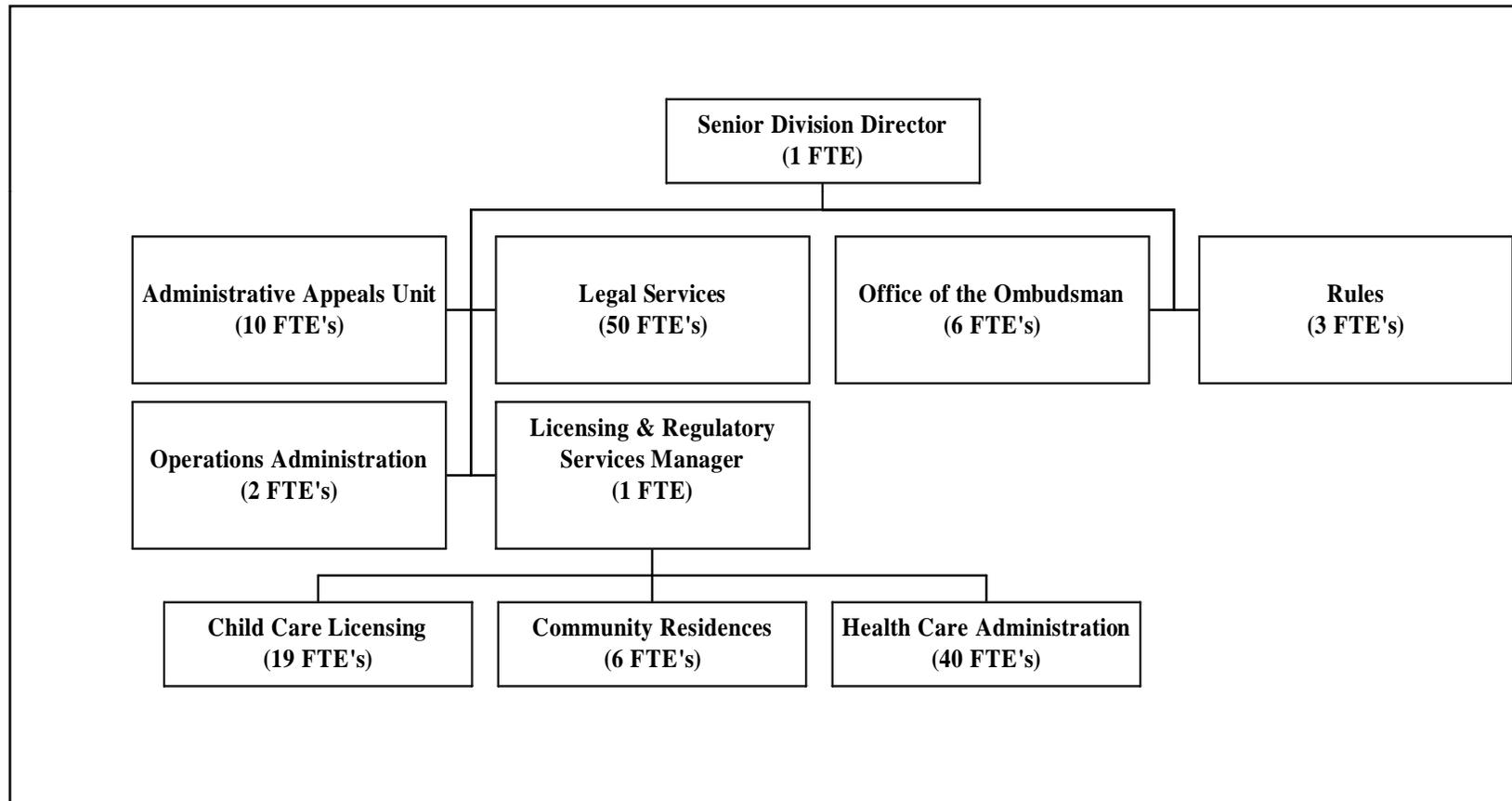
# OOS Legal Services

## **Mission Statement**

To provide quality legal representation and services to all program areas within the Department



# OOS





# OOS

- **Administrative Appeals Unit (AAU)**  
Implements the department administrative appeals process (sometimes referred to as Fair Hearings) under RSA 126-A:5, VIII.
- **Administrative Rulemaking Unit (ARU)**  
Coordinates and oversees all department rulemaking activities.
- **Ombudsman**  
Provides assistance to clients and employees of the department by investigating and resolving complaints regarding any matter within the jurisdiction of the department, including services and assistance provided by the Department or its contractors.
- **Licensing and Regulatory Services**  
Licenses all health facilities, including hospitals, nursing homes, assisted living facilities, home health agencies, other providers in NH and Body Art Practitioners. Certifies health facilities and clinical laboratories under an agreement with the CMS as part of the Social Security Act, Section 1864 Agreement. The Child Care Licensing Unit is responsible for licensing 1,151 child care facilities with 48,638 childcare licensed slots statewide.
- **Legal Services**  
Provides legal representation to all areas of the department and provides legal counsel to management for service and program information requests, legal responses on audit and departmental lawsuits, estate and third party recoveries.



# Enabling Legislation

- **Administrative Appeals Unit (AAU)**

RSA 126-A:5, VIII. As a condition of receiving various types of grants, federal statutes require the department maintain a fair hearing process (e.g. to receive federal Medicaid funding the Medicaid State Plan requires the hearing process under 42 U.S.C. 1396a (a) (3)).

- **Administrative Rulemaking Unit (ARU)**

RSA 541-A, RSA 126-A and various statutes granting rulemaking authority.

- **Ombudsman**

RSA 126-A:4 III. Title VI of the Civil Rights Act of 1964 (42 U.S.C., Section 2000d et. seq.); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C., Section 794); Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000e et. seq.); the Age Discrimination Act of 1975 (42 U.S.C., Section 6101 et. seq.); NH RSA 354-A; and other federal statutes and regulations.

- **Licensing and Regulatory Services**

RSA 126-A, RSA 151, RSA 170-E .

- **Legal Services**

RSA 126-A, RSA 135, RSA 135-C, RSA 161-F, RSA 167, RSA 169-B, 169-C, 169-D, RSA 135-C, RSA 541-A, RSA 167, RSA 126-A,, RSA 171-A, RSA 171-B, RSA 464 and numerous other state and federal statutes and regulations.



# Target Population Served

NOT APPLICABLE



# Service Delivery

- AAU - Provides fair hearings and issues decisions by staff.
- Rules Unit - Coordinates and oversees all DHHS rule making by staff.
- Ombudsman - Investigates and resolves complaints regarding matters within DHHS jurisdiction and responds to civil rights complaints by staff.
- Licensing and Regulation - Licenses, certifies, and inspects health care facilities and child care facilities by staff.
- Legal Services – Staff provide legal representation in numerous matters and counsel to all areas of the Department, recover general and other funds related to third party and estate recoveries, provide cost avoidance, and respond to department lawsuits.



# Outcomes

- AAU - Provide a fair, impartial and efficient administrative appeals process; SFY 2010, appeals scheduled 1,122; decisions issued 315.
- Rules Unit – provide an efficient and centralized rule review, promulgation and maintenance function across the Department, SFY 2010, 65 rules filings.
- Ombudsman – provide informal complaint resolution, SFY 2010, 764 complaint responses; investigate civil rights complaints and recommend appropriate responses, 46.
- Licensing and Regulation – Health Facilities Administration seeks to assure the safe and adequate care of patients, residents and other consumers at licensed or certified NH health facilities, in which medical, nursing, residential or other remedial care is provided, including, nursing homes, hospitals, assisted living facilities for the elderly, home health agencies and other locations.



# Outcomes Cont.

- The Communities Residence (CR) Certification Unit is responsible for overseeing this function at about 1,250 CR's which serve 1 to 3 individuals with developmentally disabilities.
- The Child Care Licensing Unit seeks to assure that children are cared for in a safe and developmentally appropriate manner at 1,151 licensed child care programs with 48,683 childcare licensed slots and child residential treatment programs.
- Legal Services In SYF 2010 its Estates Recovery Unit recovered \$5,327,724 in total funds (\$1,389,000 general funds) in 1,308 cases; its third party recovery attorney recovered \$934,227 (\$468,614 general funds) in 104 third party tort recovery actions. Through careful review and federal audit response, Legal Services provides compliance and cost avoidance for the Department and State.



# Outcomes Cont.

- Counsel represented the state in 1,450 emergency admissions, 264 involuntary petitions at NHH and 46 guardian ship petitions. DCYF attorneys provide legal advice and representation in child protective services.



# Major Initiatives

- **Administrative Appeals Unit (AAU)**  
Seeking to implement a videoconference system to conduct hearings more efficiently by saving travel time to the several district offices.
- **Administrative Rulemaking Unit (ARU)**  
Implementing recommendations of the Phase I (agency/OLS phase) Lean Team through legislation to amend RSA 541-A and internal process improvements. Beginning involvement in Phase II of the JLCAR LEAN Project (JLCAR phase).
- **Licensing and Regulatory Services**  
Upgrade of the Health Facilities database which will result in an enhanced ability for the public to access facility deficiency reports and make the process more transparent.
- **Legal Services**  
Implement Legal Files case management system to improve the efficiency, effectiveness and reporting capability of Legal Services.



# Costs, Recoupments and Revenues

	SFY10	SFY11	SFY12	SFY13
Total OOS GF	\$4,676,364	\$4,940,917	\$5,562,598	\$5,628,756
Personnel Cost				
Recoveries & Revenue				
Estate Recoveries	\$1,389,000	\$1,235,736	\$1,688,625	\$1,736,580
TPL	\$468,614	\$471,785	\$476,502	\$481,268
Licensing Revenue	\$540,586	\$543,200	\$559,496	\$576,281
County Recovery Fees	\$186,495	\$222,757	\$229,439	\$236,322
Various Fines	\$32,925	\$30,650	\$31,570	\$32,517
Total Recoveries and Revenues	\$2,617,619	\$2,504,127	\$2,985,632	\$3,062,968
Cost Avoids				
Audits	\$0	\$545,000	\$250,000	\$250,000
Net GF Personnel Cost	\$2,058,745	\$1,891,790	\$2,326,966	\$2,315,788



# Challenges

- We are experiencing an overall increase in workload and in the complexity of issue in all areas likely due to current economic conditions. In light of limited resources, these conditions continue to present a challenge which we are addressing by trying to become more efficient and by reevaluating priorities.



# Contact Information

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