



NEW HAMPSHIRE LEGAL ASSISTANCE

Working for Equal Justice Since 1971

www.nhla.org

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Deborah Fournier
NH Department of Health and Human Services
129 Pleasant Street
Brown Building
Concord, NH 03301

**Re: Comments to Draft Framework for Establishing Home and
Community Based Services Residential Settings Compliance**

Dear Ms. Fournier:

Please consider this letter the written comments of New Hampshire Legal Assistance (NHLA) regarding the "Draft Framework for Establishing Home and Community Based Services Residential Settings Compliance" proposed by the New Hampshire Department of Health and Human Services (Department). NHLA submits this testimony on behalf of our disabled and elderly clients who reside in residential health care facilities in New Hampshire.¹

COMMENTS OF NEW HAMPSHIRE LEGAL ASSISTANCE

NHLA strongly supports the comments submitted by the Disability Rights Center – NH and shares its specific concerns about:

- Lack of specificity in the proposed plan
- The reliance of third party contracts for review of state compliance without the inclusion of key stakeholders
- Limited/inadequate stakeholder involvement in plan development
- Vague proposed assessment process
- Lack of identified participant protections
- Inadequate choice of settings

As a next step, we urge the Department to convene an Advisory Taskforce meeting that includes the organizations recommended by the Disability Rights Center – NH to address the concerns raised about the proposed plan and create a

¹ NHLA submits these comments without prejudice to the right of our law firm and/or our clients to make additional claims or take different legal positions should this matter proceed to litigation. The absence of comments relative to any provision not specifically discussed does not necessarily reflect support of the provision, nor agreement that the provision is lawful.

final version that will ensure the creation of a strong transition plan that will fully comply with the new federal rules.

Thank you for the opportunity to comment on this proposed plan and please feel free to contact me if you have any questions. I may be reached at (603) 206-2210.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl S. Driscoll", written in a cursive style.

Cheryl S. Driscoll
Director, Senior Law Project
Concord Office