

**RULEMAKING NOTICE FORM**

Notice Number 2016-170

Rule Number He-C 6340

1. Agency Name & Address:  
**Dept. of Health & Human Services  
Division of Children, Youth & Families  
129 Pleasant Street-Thayer Building  
Concord, NH 03301**

2. RSA Authority: RSA 170-G:4, XVIII;  
RSA 170-G:5  
3. Federal Authority: \_\_\_\_\_  
4. Type of Action: \_\_\_\_\_  
Adoption \_\_\_\_\_  
Amendment \_\_\_\_\_  
Repeal \_\_\_\_\_  
Readoption \_\_\_\_\_  
Readoption w/amendment X

5. Short Title: **Certification Payment Standards for Adoptive Report Writing**

6. (a) Summary of what the rule says and of any proposed amendments:

**The Department of Health and Human Services (Department) proposes to readopt with amendment He-C 6340, “Certification Payment Standards for Adoptive Report Writing.” He-C 6340 is scheduled to expire September 20, 2016 but is subject to extension pursuant to RSA 541-A:14-a, I.**

**He-C 6340 identifies the qualifications and performance requirements for individuals or agencies seeking certification for financial reimbursement from the Department for providing adoptive report writing services, which include adoptive history reports and adoptive home study reports. The proposed amendments to the rule include the following:**

- **The adoptive report writing service related to termination of parental rights reports has been removed from the rule as all termination of parental rights reports are now completed by the Department;**
- **A new category of adoptive report writing service, “adoptive home studies” is being added to the rule. Under the current rule, adoptive home study reports are completed by the Department staff. The proposal adds adoptive home studies to the rule as the service has been expanded to allow providers to be certified to provide to complete the adoptive home studies;**
- **Providers certified to complete adoptive home studies will be required to complete structured analysis family evaluation (SAFE) evidenced based structured home study methodology training;**
- **References to the “division for juvenile justice services” and its acronym, “DJJS” have been removed; and**
- **The rule is updated to incorporate the forms by reference pursuant to RSA 541-A.**

6. (b) Brief description of the groups affected:

**Those affected by the proposed rule include, agencies and their employees seeking certification for financial reimbursement for adoptive report writing and adoptive home study report writing.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific Statute or Federal Regulation the Rule Implements
He-C 6340.01- 6340.10	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6340.11	RSA 170-G:4, XVIII; RSA 170-G:5 and RSA 126-A:3
He-C 6340.12-6340.19	RSA 170-G:4, XVIII; RSA 170-G:5

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard** Title: **Rules Coordinator**  
Address: **Dept. of Health and Human Services** Phone #: **271-9374**  
**Administrative Rules Unit** Fax#: **271-5590**  
**129 Pleasant St.** E-mail: [catherine.bernhard@dhhs.nh.us](mailto:catherine.bernhard@dhhs.nh.us)  
**Concord, NH 03301**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, October 20, 2016**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, October 13, 2016**  
**12:00 p.m.**

Place: [\*\*DHHS Brown Bldg., Room 232, 129 Pleasant St., Concord, NH\*\*](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 16:179 , dated 09/14/16

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rule, the proposed rule may increase general fund expenditures by an estimated \$7,884 per year and may have an indeterminable impact on independently-owned businesses to the extent that those businesses write adoptive home study reports as contemplated by the rule.

**2. Cite the Federal mandate. Identify the impact of state funds:**

The Social Security Administration Title IV sections 473 and 474 mandate that states recruit and retain adoptive homes. As part of the recruitment and retention of safe, appropriate adoptive homes, adoption history and adoptive home study reporting are required to meet the requirements of 45 CFR 1356.60 and the "Child Welfare Policy Manual" section 8.1 issued by the Administration for Children and Families. The funding for adoption history and adoption home study reports for prospective adoptive homes is 50 percent general fund and 50 percent federal dollars.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

The proposed rule adds adoption home study reports to the reports required by the rule. The Department estimates it will produce 24 such reports in FY 17 at a total cost of \$15,768, of which half (\$7,884) will be paid for with general funds and half will be paid for with federal funds. However, because federal funding for adoption history reports (which are already included in the existing rule) has increased from 25 percent to 50 percent, the Department projects that the net increase in general fund expenditures of producing both reports will only be \$2,148.

**B. To State citizens and political subdivisions:**

None.

**C. To Independently owned businesses:**

The proposed rule requires providers to complete structured analysis family evaluation (SAFE) training prior to becoming certified to complete adoptive home studies. The cost of this training is \$450, and represents a potential cost to providers who have not already completed SAFE training. The proposed rule may provide a benefit to providers certified to write adoptive home study reports that were not previously required by rule.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposal modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.**

**Readopt with amendment He-C 6340, effective 9-20-08 Document #9264), to read as follows:**

## PART He-C 6340 CERTIFICATION PAYMENT STANDARDS FOR ADOPTIVE REPORT WRITING SERVICE PROVIDERS

Statutory Authority: RSA 170-G:4 XVIII, RSA 170-G:5

He-C 6340.01 Purpose. The purpose of this part is to identify the qualifications and performance requirements to become a provider of adoptive report writing services, which includes adoptive history reports and adoptive home study ~~termination of parental rights~~ reports, for the division for children, youth and families (DCYF) ~~and division for juvenile justice services (DJJS)~~ as required by RSA 170-G:4 XVIII and RSA 170-B:18.

He-C 6340.02 Scope. This part shall apply to individuals or agencies that seek certification to receive financial reimbursement from the department of health and human services (DHHS) for the provision of adoptive report writing services.

He-C 6340.03 Definitions.

(a) “Adoptive report writing” means ~~termination of parental rights reports and~~ adoptive history reports and adoptive home study reports.

(b) “Adoptive history report” means the completion of a written case history, which includes describing social, medical, psychological and educational information about a child who might ~~about to~~ be adopted and the birth family.

(c) “Adoptive home study report” means the written report of an assessment into the conditions of the adoption petitioner as described in RSA 170-B:18, I for the purpose of ascertaining whether the adoptive home is a suitable home for the minor child and whether the proposed adoption is in the best interest of the minor child.

(e) “Applicant” means the person or entity that is requesting certification for payment as an adoptive report writing service provider.

(d) “Case plan” means the division for children, youth and families’ (DCYF) or DJJS-written plan for the child and the family which outlines how services will be provided ~~document~~, pursuant to RSA 170-G:4 III, ~~that describes the service plan for the child and family, and addresses outcomes, tasks, responsible parties, and timeframes for correcting problems that led to abuse, neglect, delinquency, child in need of services (CHINS) or other issues related to child and family situations.~~ and 42 U.S.C. 671, PART E-Federal Payments for Foster Care and Adoption Assistance Section 471(a)(16), 475(1) and (5)(A) and (D) State Plan For Foster Care and Adoption Assistance. This term includes “placement plan.”

(f) “Certification for payment” means the process by which DCYF approves the qualifications of and ~~payment~~ reimbursement to providers of adoptive report writing services.

(g) “Child” means “child” as defined in RSA 170-E:25:I or “child” as defined in RSA 169-C:3 or “child” as defined by RSA 169-D:2.

(h) “Child protective service worker (CPSW)” means an employee of DCYF who is specially trained to work with families referred to the Division pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA

~~463. has expertise in managing cases to ensure families and children achieve safety, permanency and well-being.~~

(hi) “Commissioner” means the commissioner of the New Hampshire department of health and human services, or his or her designee.

~~——(i) “Conflict of interest” means “conflict of interest” as defined in RSA 21-G:21, II.~~

(j) “Department” means the New Hampshire department of health and human services (DHHS).

(k) “Director” means the director of the division for children, youth, and families, or his or her designee.

(l) “Division for children, youth, and families (DCYF)” means the organizational unit of the department of health and human services that provides services to children and youth referred by courts pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-B, RSA 170-C and RSA 463.

~~(m) “Division for juvenile justice services (DJJS)” means the organizational unit of the department of health and human services that provides services to children and youth referred by district and family division courts, pursuant to RSA 169-B and RSA 169-D.~~

~~(nm) “Juvenile probation and parole officer (JPPO)” means an employee of DJJSCYF who exercises the powers and duties as provided for in RSA 170-G: 16, and supervises paroled delinquents pursuant to RSA 170-H. is responsible for investigating and supervising juveniles referred to the department pursuant to RSA 169-A, RSA 169-B and RSA 169-D.~~

~~(on) “NH bridges” means the automated case management, information, tracking, and reimbursement system used by DCYF and DJJS.~~

(po) “Provider” means the individual or agency that receives financial reimbursement from the department for adoptive report writing services.

~~——(q) “Quality assurance” means the process that DCYF and DJJS use to monitor the quality and effectiveness of community based services.~~

(p) “Structured analysis family evaluation (SAFE)” means the copyrighted structured home study methodology and evidence based forms obtained through the Consortium for Children by providers who have been trained and certified in their use.

(qf) “Service authorization” means the documentation provided by DCYF ~~or DJJS~~ indicating the division’s responsibility for payment of community based services ~~rendered to non-medicaid eligible children.~~

~~(s) “Termination of parental rights report” means the completion of a social study for the district office CPSW, based on the DCYF/DJJS case record and the termination of parental rights petition.~~

#### He-C 6340.04 Compliance Requirements.

(a) Providers shall comply with:

(1) The confidentiality statutes of RSA 169-B:35, RSA 169-C:25, RSA 169-D:25, RSA 170-B:23, RSA 170-C:14, and RSA 170-G:8-a; and

(2) The child abuse and neglect reporting requirements of RSA 169-C:29-30.

II.

(b) Providers and his or her employees shall not have a conflict of interest as defined in RSA 21-G:21.

(c) Failure to comply with the rules of this chapter shall result in:

(1) Denial of an applicant pursuant to He-C 6340.18;

(2) Revocation of certification for payment of a provider pursuant to He-C 6340.18; or

(3) Denial of reimbursement.

He-C 6340. 08.05 Application Process For Payment Standards For Adoptive Report Writing Services.

(a) Applicants who seek initial certification for payment for adoptive report writing services shall contact ~~a DCYF/DJJS district office supervisor or designee~~ and request ~~to be referred for~~ certification.

(b) The DCYF/~~DJJS district office supervisor of DCYF certification specialist~~ shall assess the need for services based on the following criteria:

(1) The number of children and families who require services exceeds the available community resources;

(2) A specialized service is necessary to meet the unique needs of children and families, and there are no currently certified providers who can provide the specialized services; and

(3) Any other case circumstance which requires the provision of services pursuant to a court order.

(c) If there is a need for a service based on (b) above, DCYF shall forward an application packet to the applicant which includes:

(1) ~~An~~ Form 2608 "Application For Enrollment Of Adoptive Report Writing Service Providers"(September 2016);

(2) An "Alternate W-9 FORM-CIS (10/97)" ~~form; and~~

(3) A copy of He-C 6340.; and

(4) A copy of Form 1790 "Adoptive History" (March 2015, PD 15-04) Parts I and II.

(d) Each applicant shall ~~provide the following information on or with~~ complete the Form 2608 "Application for Enrollment of Adoptive Report Writing Service Providers;" (September 2016).

~~(1) A statement indicating whether the applicant has ever been subject to disciplinary action by a licensing body or professional society, been found civilly liable for professional misconduct, or found to have committed an ethical violation by a state or national professional association or any~~

~~other state's regulatory board, and if so, the name of the licensing body or professional society, the reasons, dates, and results;~~

~~(2) A statement indicating whether the applicant is currently listed in any child abuse and neglect state registry as having abused or neglected a child, and if so, the dates and reasons;~~

~~(3) A statement indicating whether the applicant has been convicted of a felony or any crime against a person and if so, the name of the court, the details of the offense, the date of conviction and the sentence imposed;~~

~~(4) A resume or curriculum vitae; and~~

~~(5) Names and addresses of 2 individuals who can verify professional experience and expertise.~~

(e) The applicant shall sign and date the application.

(f) The applicant's signature shall constitute an acceptance of the terms below:

(1) The provider has read and understands He-C ~~69026340~~; and

(2) The information contained in the application is true and correct to the best of the applicant's knowledge.

(g) Within 30 calendar days of receipt, the applicant shall complete and return the following documents to DCYF:

~~(1) Form 2608 The "Application for Enrollment of Adoptive Report Writing Service Providers" along with all the attachments referenced in (c) above (September 2016); and~~

~~(2) A resume or curriculum vitae;~~

~~(3) Verification of SAFE certification if applying to provide adoptive home study report writing services;~~

~~(4) A sample of an adoptive home study report written by the applicant; and~~

~~(2)(5) The "Alternate W-9 FORM-CIS(10/97)" form.~~

He-C 6340.0506 Requirements for Adoptive History Reports.

(a) Providers for adoptive history reports who DHHS has identified as needed shall:

(1) Possess a bachelor's degree and have 2 years of experience in writing reports for child protection services;

(2) Submit a resume that lists education and experience at the time of application and at review of continued certification compliance;

(3) Submit names and addresses-phone numbers of 2 individuals who can verify professional experience and expertise, unless waived pursuant to He-C 6340.15;

(4) Have experience using computer hardware and software; and

~~(5) Receive a referral from the CPSW/JPPQ; and~~

~~(6) Participate in adoptive history report writing training provided by DCYF, unless waived pursuant to He-C 6340.15.~~

(b) A Form 1790 An adoptive hHistory (March 2015, PD 15-04) Parts I and II shall report shall be completed include the following with information for the birth parents and the adoptive child when identified in the case file:

~~(1) First names;~~

~~(2) Birth dates;~~

~~(3) Race;~~

~~(4) Nationality;~~

~~(5) Religion;~~

~~(6) Marital status;~~

~~(7) Physical appearance such as height, weight, build, complexion, color of eyes and hair;~~

~~(8) Other distinguishing characteristics;~~

~~(9) Social history including:~~

~~a. Personality traits;~~

~~b. Educational history;~~

~~c. Employment history;~~

~~d. Interests;~~

~~e. Achievements; and~~

~~f. Each parent's attitude toward the child's placement in an adoptive home;~~

~~(10) The health history, including:~~

~~a. Illnesses;~~

~~b. Diseases;~~

~~c. Hospitalizations;~~

~~d. History of alcohol or other substance abuse;~~

~~e. Blood type;~~

~~f. Occurrences of multiple births;~~

~~g. Gynecological history, if applicable;~~

~~h. The birth mother's prenatal history with the adoptive child; and~~

~~i. The psychiatric history;~~

~~(11) Information regarding the adoptive child's siblings, if applicable, including;~~

~~a. First name(s);~~

~~b. Current living arrangements;~~

~~c. Current relationship to the adoptive child;~~

~~d. The length of residence with the adoptive child;~~

~~e. Alcohol and other substance abuse history;~~

~~f. Physical descriptions;~~

~~g. Health status;~~

~~h. Interests;~~

~~i. Educational history; and~~

~~j. Psychiatric histories;~~

~~(12) Information regarding the adoptive child's grandparents, aunts and uncles, including:~~

~~a. First names;~~

~~b. Current relationship to the adoptive child;~~

~~c. The length of residence with the adoptive child, if applicable;~~

~~d. Physical descriptions;~~

~~e. Interests;~~

~~f. Health status;~~

~~g. Alcohol and other substance abuse history;~~

~~h. Educational history; and~~

~~i. Psychiatric history;~~

~~(13) Information regarding the adoptive child's placement history, including:~~

~~a. The reasons for placement;~~

~~b. The dates of placements;~~

~~c. Any incidents of abuse or neglect; and~~

~~d. How the child has progressed in placement; and~~

~~(14) Any special circumstances such as:~~

~~a. The adoptive child's need to maintain contact with the birth family or other significant relationships after the adoption; and~~

~~b. Any special requests made by the birth parents.~~

(c) Providers shall:

(1) Be responsible for all materials and supplies needed to write the report;

(2) Within 60 days of assignment, submit a paper copy and an electronic copy of the report to the CPSW/JPPPO; and

(3) Maintain all case information confidential, pursuant to RSA 169-C:25.

He-C 6340.0607 Requirements for Termination of Parental Rights Adoptive Home Study Reports.

(a) Providers for termination of parental rights adoptive home study reports shall:

(1) Possess a bachelor's degree and have 2 years of experience in writing reports for child protection services;

(2) Submit a resume that describes-lists the required education and experience to DCYF at the time of application and at review of continued certification compliance;

~~(3) Submit names and addresses of 2 individuals who can verify professional experience and expertise;~~

(3) Be employed by a child placing agency operating pursuant to He-C 6448;

(4) Have experience using computer hardware and software; and

(5) Participate in SAFE training about termination of parental rights report writing provided by DCYF and be SAFE Certified.

(b) Providers shall write an adoptive home-social study that includes the following all information required by the SAFE Home Study program, when identified in the case file:

~~(1) The legal basis for the termination;~~

- ~~(2) The facts and data supporting the termination; and~~
- ~~(3) The social history of the child and the child's family.~~

(c) Providers shall:

- (1) Be responsible for all materials and supplies needed to write the report;
- (2) Within 60 days of assignment, submit a paper copy and an electronic copy of the report to the CPSW/JPPPO; and
- (3) Maintain all case information confidential pursuant to RSA 169-C:25.

He-C 6340.0708 Preliminary Information Needed for Adoptive Report Writing Services.

(a) Providers shall provide adoptive history report writing only when they have the following information:

- (1) Date of request;
- (2) Name of ~~CPSW or JPPPO~~ DCYF staff member requesting the report, the district office, ~~and~~ telephone number, and email;
- (3) Names of the birth parents and child(ren);
- (4) Reasons or need for referral, including presenting problems and history of involvement with DCYF ~~or DJJS~~, as applicable;
- (5) Type of services requested;
- (6) Dates and duration for requested services;
- (7) Dates that reports are needed for court hearings; and
- (8) Any data or information from the DCYF ~~or DJJS~~ case plan or pre-dispositional investigation that is applicable to service provision.

(b) Providers shall provide adoptive home study report writing only when they have the following information:

- (1) Date of request;
- (2) Name of DCYF staff member requesting the report, the district office, telephone number, and email;
- (3) Type of services requested;
- (4) Date the completed report is needed;
- (5) Name of prospective adoptive parents, address, telephone number, and email;

(6) The initial application, financial statement, and Questionnaire 1 from the prospective adoptive parents; and

(7) The child information sheet and matching profile, and any additional information the CPSW has to share about the identified prospective adoptive child that is applicable to service provision.

He-C 6340.09 ~~Review of Compliance During Certification.~~Continued Compliance

(a) Prior to the start of service delivery, a provider shall be certified and enrolled as a provider of adoptive report writing services.

(b) Providers shall provide services without discrimination as required by Title VI of the Civil Rights Act of 1964, as amended, and without discrimination on the basis of handicap as required by Section 504 of the Rehabilitation Act of 1973, as amended.

(c) The provider shall notify DCYF in writing within 10 days of any change in the information contained in the application and provide documentation of the change as applicable.

(d) The provider shall notify DCYF of any changes in tax information and complete and submit to DCYF a signed alternate W-9 form with current tax information.

(e) Providers shall submit to DCYF an audited financial statement prepared by an independent licensed public accountant, if requested.

~~—(a) Providers shall complete a review form, as provided by DCYF, within 30 days of receipt.~~

~~—(b) Providers that do not submit a review form within 30 days of receipt shall have their certification revoked in accordance with He-C 6340.18 and be denied payment.~~

~~(fe) Continuance of certification shall be based on a review and verification by surveys of department staff of the utilizing the provider's compliance with service requirements.~~

(g) The provider's certification and enrollment shall terminate upon date of sale or transfer of ownership or close of the agency.

(hd) Providers shall be subject to a review of continued certification compliance every 3 years from the date of issue.

~~— He-C 6340.10 Notification of Changes. The provider shall notify DCYF in writing within 10 days of any change in the information contained in the application and provide documentation of the change as applicable.~~

He-C 6340.11 ~~Enrollment and Billing Requirements for Adoptive Report Writing Services.~~

~~—(a) Prior to the start of service delivery, a provider shall be certified and enrolled as a provider of adoptive report writing services.~~

~~—(b) Providers shall not exceed the rates established by DCYF/DJJS, nor shall the rates exceed those charged by the provider for non-DCYF/DJJS children.~~

~~—(c) Providers shall not bill DCYF/DJJS for services that are to be reimbursed by any other entity.~~

~~— (d) Providers shall accept payments made by DCYF/DJJS as payments in full for the services it provides.~~

~~— (e) DCYF/DJJS shall determine the need for services and the determination shall be binding on the provider.~~

~~— (f) Providers shall, if requested, and as a condition of continued eligibility to receive payment for services provided, furnish DCYF/DJJS with a list of all officers, directors, employees, shareholders, lessors, and other persons with any proprietary interest in the provider.~~

~~— (g) Providers shall notify DCYF of any changes in tax information and complete and submit to DCYF a signed alternate W-9 form with current tax information.~~

~~— (h) Providers, if incorporated and if requested, shall submit to DCYF an audited financial statement prepared by an independent licensed public accountant.~~

~~— (i) Providers shall provide services without discrimination as required by Title VI of the Civil Rights Act of 1964, as amended, and without discrimination on the basis of handicap as required by Section 504 of the Rehabilitation Act of 1973, as amended.~~

~~— (j) The provider's certification and enrollment shall terminate upon date of sale or transfer of ownership or close of the agency.~~

He-C 6340.1210 Billing Process for Adoptive Report Writing Services.

(a) ~~Providers shall obtain a~~ “Service Authorization” (Form 2110) ~~prior to service delivery.~~ shall be requested by the DCYF case manager.

(b) Services ~~shall not be paid~~ provided without a service authorization ~~shall not be paid.~~

(c) Providers shall bill the department through NH Bridges via paper claims or electronic claims submission for actual hours worked.

(d) For paper claim submission, a provider shall:

(1) Copy the “Service Authorization” for future billings if the authorized service dates span a date range;

(2) Forward the completed and signed “Service Authorization” to DHHS for adoptive history report ~~or termination of parental rights report~~; and

(3) Attach an invoice with the provider's original signature to the “Service Authorization” that details dates and the number of hours spent on the report.

(e) For electronic claims submission, a provider shall:

(1) Request a web billing account from DHHS by completing, signing, and submitting Form 2679 “Provider Web Billing User Account Request Form” (September 2016);

(2) Be issued a log on and a personal identification number (PIN) by DHHS for use in accessing the web billing account; and

~~(1) Be approved and authenticated by the department to submit claims via web billing and have received a logon and password access to provider web billing; and~~

(23) Select the recipient(s) and timeframe(s) for which they wish to submit claims from their list of approved service authorizations.

(f) The handwritten signature in (f) above or personal identification number (PIN) if web billing pursuant to (e) above shall be submitted to DHHS and shall certify that:

(1) The billing was completed in accordance with this section;

(2) The invoice includes only those hours for which services were provided; and

(3) The billing is true and accurate.

He-C 6340.1~~13~~ Billing Period.

(a) Providers shall bill within one year of service provision.

(b) Any bill received for payment one year or more after service date shall be denied pursuant to RSA 126-A:3.

He-C 6340.1~~24~~ Billing Discrepancies. Providers who have a billing discrepancy shall contact DCYF, bureau of administrative operations, provider relations staff for assistance.

He-C 6340.1~~35~~ Record Retention.

(a) Provider shall retain records in a secure location for a period of not less than 7 years after the completion date of services provided, supporting each bill submitted to the department.

(b) Records shall be subject to random and retrospective review by DHHS to determine the presence and extent of billing errors.

He-C 6340.1~~46~~ Quality Assurance Activities. Providers shall be subject to review by DCYF/~~DHS~~ to determine the quality of services pursuant to RSA 170-G:4 XVIII, including a random, retrospective examination of ~~termination of parental rights reports and~~ adoptive history reports and adoptive home study reports and billing documentation.

He-C 6340.1~~57~~ Waivers.

(a) Applicants or providers who request a waiver of a requirement in He-C 6340 shall submit a written request to the ~~commissioner~~ Administrator of Community and Family Support, which includes the following information:

(1) The rule number for which the waiver is being requested;

(2) The anticipated length of time the requested waiver will be needed;

(3) The reason for requesting the waiver;

(4) Assurance that if the waiver is granted the quality of services will not be affected;

(5) A written plan to achieve compliance with the rule or a written plan explaining how the provider will satisfy the intent of the rule, if the waiver is granted; and

(6) How the service will be affected if the waiver is not granted.

(b) A waiver shall be granted if:

(1) The department concludes that authorizing deviation from compliance with the rule from which waiver is sought does not contradict the intent of the rule; and

(2) The alternative proposed ensures that the object or intent of the rule will be accomplished.

(c) When a waiver is approved, the applicant's or provider's subsequent compliance with the alternative approved in the waiver shall be considered equivalent to complying with the rule from which waiver was sought.

(d) The applicant or provider shall be notified in writing by the ~~commissioner~~department of the waiver decision.

He-C 6340.168 Denial of Application and Revocation of Certification.

(a) An application shall be denied or provider certification revoked if:

(1) DCYF or ~~DHS~~ determines that the state does not have a need for the service;

(2) The applicant or provider, or the individual acting on the applicant's or provider's behalf, submits materially false information to DCYF or ~~DHS~~; or

~~(3) The provider has been convicted of a felony or any crime against a child;~~

~~(4) There has been abusive or neglectful treatment of a child as determined by any state statute;~~  
or

~~(5) There has been a failure to submit a review form within 30 days; or~~

~~(6)~~ There has been failure to comply with He-C 6340.

He-C 6340.179 Notification of Denial or Revocation. If DCYF denies an application or revokes certification, a letter shall be sent to the applicant or provider by registered mail, which sets forth the reasons for the determination.

He-C 6340.1820- Request for Certification Reconsideration.

(a) A request for certification reconsideration shall:

(1) Be filed within 30 days of the date of receipt of the letter sent by DCYF described in He-C 6340.17;

(2) Be submitted in writing; and

(3) Be filed with the director of DCYF.

(b) The DCYF director shall uphold or overturn the request pursuant to He-C 6340.18.

(c) The applicant or provider shall be notified, in writing, of the decision by the director.

(d) The applicant or provider may appeal the DCYF director's decision pursuant to He-C 6340.~~21~~19.

He-C 6340.~~1921~~ Appeals.

(a) Applicants or providers who wish to appeal DCYF's decision to deny or revoke certification shall file an appeal with the commissioner, pursuant to RSA 170-G:4-a.

(b) The appeal shall:

(1) Be made in writing;

(2) Be signed and dated;

(3) State the reasons for the appeal pursuant to RSA 170-G:4-a; and

(4) Be filed within 14 days of the date of written notification by the director of DCYF, pursuant to RSA 170-G:4-a.

(c) Pursuant to RSA 170-G:4-a and He-C 200, the commissioner or designee and 2 members of the DCYF advisory board shall hear the appeal.

#### Appendix

Rule	Specific Statute or Federal Regulation the Rule Implements
He-C 6340.01- 6340.10	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6340.11	RSA 170-G:4, XVIII; RSA 170-G:5 and RSA 126-A:3
He-C 6340.12-6340.19	RSA 170-G:4, XVIII; RSA 170-G:5