

Introduction:

He-M 517 defines the requirements and procedures for Medicaid-covered home and community-based care waiver services for persons with developmental disabilities and acquired brain disorders where such services are provided pursuant to He-M 503, He-M 507, He-M 513, He-M 518, He-M 521, He-M 522, He-M 525, and He-M 1001 The propose rules readopt with amendment He-M 517.

This proposal was published in the October 19, 2023, Rulemaking Register. The Department held a public hearing on Thursday, November 16, 2023, with no members of the public in attendance. The Department did receive testimony within the public comment period. Those proposed comments and the Departments responses have been summarized in the below table.

<u>Rule Section</u>	<u>Comment</u>	<u>Action Taken</u> (What, if any & if none, why?)	<u>Commenter</u>
He-M 517.09(e)	<p>PROPOSED RULE TEXT:</p> <p>He-M 517.09 <u>Non-Covered Services</u>. The following services shall not be fundable under home and community-based care waivers:</p> <p>(e) Services that are recreational or diversional in nature;</p> <p>COMMENT:</p> <p>As I believe your proposal does not take into consideration the social and communicate based benefits these services provide to our community of citizens with developmental disability and acquired brain disorders. I assist with a great non-profit organization “Bridging the Horizons” in southern NH, and the joy on the faces of the folks that attend the community monthly dances with food and physical activities is unbelievable. Another group “Play Among the Stars” where the groups participate in a weekly song practice and puts on a semi-annual production of a Theater and Singing Group. These and other “recreational activities’ should be available to all persons with disabilities and the small sums of costs for them and a Support person (if needed) should be able to be included in the persons budget and not excluded!</p> <p>According to the National Council for Therapeutic Recreation Certification (NCTRC), Recreational Therapy is defined as:</p>	<p>No action taken.</p> <p>As stated in the Technical Guide provided by CMS, "services that are diversional/recreational in nature fall outside the scope of § 1915(c) of the Act". However, waiver funds may be used to provide transportation to and from the activity as needed, as well as staffing supports necessary for the individual to participate in the activity.</p>	DH & KH

	<p>“...a systematic process that utilizes recreation and other activity-based interventions to address the assessed needs of individuals with illnesses and/or disabling conditions, as a means to psychological and physical health, recovery and well-being.”</p> <p>By using diverse recreation activities and leisure experiences, recreational activities allow a person to learn, thrive, and grow. Recreation can be seen as a healing tool—not just enjoyable or diversional activities.</p> <p>Some of the many activities include:</p> <ul style="list-style-type: none"> • Arts and Crafts • Creative Expression • Physical Activities • Sports • Community Integration • Leisure Education • Music, Dance, and Drama • Horticulture Activities • Meditation • Spiritual Awareness • Team Building • Games • Social Experiences • Outdoor Adventures <p>What are the Benefits of Recreation?</p> <p>The need areas addressed are specific to each person but it is proven that recreation can help:</p> <ul style="list-style-type: none"> • Build self-confidence • Recover basic motor function • Improve cognition • Increase socialization • Develop appropriate social skills • Increase emotional resilience • Develop a positive leisure lifestyle 		
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	<ul style="list-style-type: none">• Reduce anxiety and depression• Explore spirituality• Increase strength and well-being• Cultivate empathy• Reduce stress• Cultivating a sense of purpose in life• Develop meaningful relationships• Reduce behavioral issues• And much more <p>Therefore, I believe these are a direct conflict with the intentions of the Centers for Medicare and Medicaid. Therefore, I request you to reconsider the restriction of waiver funds, for this population that we want/need to get out into the community in the least restrictive environment and not be “home bound”, based on the new proposed wording of New Hampshire He-M 517.09.</p>		
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