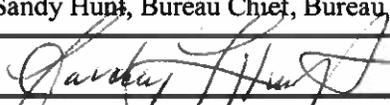


NH Department of Health and Human Services (DHHS)  
Division of Long Term Supports and Services  
Bureau of Developmental Services

105 Pleasant St.  
Concord, NH 03301

<b>STATE OF NEW HAMPSHIRE BDS GENERAL MEMORANDUM (GM)</b>	
<b>DATE:</b>	March 20, 2020
<b>TO:</b>	Area Agency Executive Directors, Area Agency Business Managers, Area Agency Service Coordinator Supervisors, Provider Agencies, Bureau of Developmental Services Staff, Bureau of Family Centered Services, Office of Client and Legal Services, Christine Tappan, DHHS, Kerrin Rounds, DHHS.
<b>FROM:</b>	Sandy Hunt, Bureau Chief, Bureau of Developmental Services
<b>SIGNATURE:</b>	
<b>SUBJECT:</b>	COVID-19 Emergency Guidance #3 March 20, 2020
<b>GM NUMBER:</b>	03-20 GM
<b>EFFECTIVE DATE:</b>	March 13, 2020
<b>REGULATORY GUIDANCE:</b>	This memo is a communication tool circulated for informational purposes only. The goal is to provide information and guidance to the individuals to whom it is addressed. The contents of this memo and the information conveyed are subject to change. This communication is not intended to take the place of or alter written law, regulations or rule.

<b>MEMORANDUM SUMMARY</b>
<p>The purpose of this memorandum is to:</p> <ul style="list-style-type: none"> <li>• Provide statewide guidance to state designated area agencies and private provider agencies relative to COVID-19 Emergency preparation, response, and continuity of service delivery for the developmental services system.</li> </ul>

Area Agencies and providers that deliver services to people with developmental disabilities and those with acquired brain disorders are responsible for daily operations and management of their COVID-19 emergency local responses and are prepared to manage operations during an emergency or other disruption to normal activities. The Bureau of Developmental Services continues to work with the Area Agencies and providers to adhere to the guidance outlined by the Centers for Disease Control (CDC), the state's Division of Public Health and other federal and state partners. On March 16, 2020 BDS issued Emergency Guidance #1. On March 19, 2020 BDS issued Guidance #2. BDS has received a number of questions relative to previous guidance thus we are issuing the following emergency guidance #3:

**Criminal Record and Driving Record Checks:**

- If the staff has a background check on file which includes a criminal record check, driver's record check and Bureau of Elderly and Adult Services registry check, it may be transferrable to another agency regardless of how long ago it was conducted. It is understood that there is a delay in obtaining driver's and criminal record checks.

Due to this delay, if the staff is new and does not have a driver's or criminal record on file, the agency must obtain a self-attestation from the staff that the staff meets the requirements outlined in He-M 507 and/or He-M 1001 relative to background checks. The agency must still submit a request for the required background checks in the meantime and a 90 day extension will be granted to have these on file for all new staff.

There is no known delay in obtaining BEAS checks. If a staff is new and doesn't have a BEAS check on file, the BEAS check must be conducted prior to hiring new staff.

**Family Managed Employees:**

"Participant directed and managed services" means services provided pursuant to He-M 524 or He-M 525, whereby the individual or representative, if applicable, directs and manages the services.

In the event the family representative is the supervisor of the employee and no vendor relationship exists, the family has the right to determine they do not require the services of their family managed employee on a temporary basis due to COVID-19. The family should indicate the layoff is not due to performance reasons but instead, COVID-19.

The family representative will formally notify the employee and the employer of record (Area Agency) of this decision. The employee can then file for unemployment benefits if they choose to do so.

The employer of record (Area Agency) should be notified immediately by the family representative of their decision to lay the employee off so the Area Agency can:

- Offer the employee an alternative work assignment if a need exists, but will not be required to do so.
- Inform their HR/Payroll department of the layoff as employer of record as the Department of Employment Security will be contacting the employer of record for verification of the unemployment benefits requested.