



**New Hampshire's Response to CMS
Regarding February 2017 Feedback of NH's Systemic Assessment
May 2017**

Based on the feedback from the Center for Medicaid and Medicare (CMS) regarding New Hampshire's Systemic Assessment, the state's Waiver Transition Team in collaboration with legal counsel from the Department of Health and Human Services (DHHS) developed the following plan to ensure that New Hampshire's regulations comply with the CMS expectations for Home and Community Based Settings (HCBS).

DD/ABD Waiver:

Each individual (participant) who receives services under the Developmental Disability or Acquired Brain Disorder waiver is entitled to the rights outlined in He-M 310, Rights of Persons Receiving Developmental Services or Acquired Brain Disorder Services in the Community. This regulation is the "umbrella" under which all services are provided for individuals being supported by the Developmental Services or Acquired Brain Disorder service delivery systems. Regardless of the services that someone is receiving, the rights outlined in He-M 310 are a protection for each participant. Included within this regulation is the HCBS expectations identified by CMS.

Using a new crosswalk format, as requested by CMS, New Hampshire has completed a thorough review of He-M 310, Rights of Persons Receiving Developmental Services or Acquired Brain Disorder Services in the Community to identify where the regulation is compliant, partially compliant, silent or non-compliant with the federal HCBS expectations. Remediation steps have been identified for those areas of the regulation that are not in compliance and they are included in the crosswalk. Within the crosswalk, DHHS has identified proposed language to submit to New Hampshire's Joint Legislative Committee on Administrative Rules, as necessary.

The additional regulations identified in the Statewide Transition Plan are for the certification/licensing process and implementation strategies for that specific service. The regulations that outline these expectations for HCBS settings are:

- He-M 1001, Certification of Community Residences (includes staffed residences and Adult Foster Care settings)
- He-M 525, Participant Directed and Managed Services
- He-M 521, Certification Of Residential Services, Combined Residential and Day Services, or Self-Directed Day Services Provided in The Family Home
- He-M 507, Community Participation Services (Day Services)
- He-P 814, Community Residences At The Residential Care And Supported Residential Care Level
- He-P 807, Rules For Residential Treatment And Rehabilitation Facilities

For each of these regulations New Hampshire will develop language that will strengthen the state's expectations regarding the rights and protections of service recipients.



**New Hampshire's Response to CMS
Regarding February 2017 Feedback of NH's Systemic Assessment
May 2017**

B

CFI Waiver:

New Hampshire's He-E 801, Choices for Independence Program is the regulation specific to those services being provided under the Choices for Independence (CFI) waiver. This regulation is the "umbrella" under which all services are provided to participants receiving HCBS under the CFI waiver. Regardless of the service that someone is receiving under the CFI waiver, the expectations of He-E 801 must be met.

Using a new crosswalk format, as requested by CMS, New Hampshire has completed a thorough review of He-E 801, Choices for Independence Program to identify where the regulation is compliant, partially compliant, silent or non-compliant with the federal HCBS expectations. Remediation steps have been identified for those areas of the regulation that are not in compliance and they are included in the crosswalk. Within the crosswalk, DHHS has identified proposed language to submit to New Hampshire's Joint Legislative Committee on Administrative Rules, as necessary.

The additional regulations identified in the CFI portion of the Statewide Transition Plan are for the licensing process and implementation strategies for that specific service. The regulations that outline these expectations for licensing of settings are:

- He-P 818: Adult Day Services
- He-P 813: Adult Family Care Residence (Adult Foster Care settings)
- He-P 804: Assisted Living Residence, Residential Care Services
- He-P 805: Supported Residential Health Care Services

What follows are the crosswalks for He-M 310, Rights of Persons Receiving Developmental Services or Acquired Brain Disorder Services in the Community and He-E 801, Choices for Independence Program. These regulations are the focal point of the state's efforts for HCBS compliance.