

CHAPTER He-M 500 DEVELOPMENTAL SERVICES

Readopt with amendment He-M 519.01, effective 2-26-11 (Document #9879-A), cited and to read as follows:

PART He-M 519 FAMILY SUPPORT SERVICES

He-M 519.01 Purpose. The purpose of this part is:

(a) To establish a framework for the provision of supports and services to care-giving families with an individual member who:

- (1) Has a developmental disability or acquired brain disorder; or
- (2) Is eligible for family-centered early supports and services pursuant to He-M 510.06;

(b) To describe the structure, roles, and responsibilities of regional family support councils in advising and collaborating with their local area agencies; and

(c) To describe the structure, roles, and responsibilities of the state family support council in supporting regional councils and in advising the bureau.

Readopt with amendment He-M 519.02, effective 2-26-11 (Document #9879-A), to read as follows:

He-M 519.02 Definitions.

(a) “Acquired brain disorder” means a disruption in brain functioning that:

- (1) Is not congenital or caused by birth trauma;
- (2) Presents a severe and life-long disabling condition which significantly impairs a person’s ability to function in society;
- (3) Occurs prior to age 60;
- (4) Is attributable to one or more of the following reasons:

a. External trauma to the brain as a result of:

1. A motor vehicle incident;
2. A fall;
3. An assault; or
4. Another related traumatic incident or occurrence;

b. Anoxic or hypoxic injury to the brain such as from:

1. Cardiopulmonary arrest;
2. Carbon monoxide poisoning;
3. Airway obstruction;
4. Hemorrhage; or

- 5. Near drowning;
- c. Infectious diseases such as encephalitis and meningitis;
- d. Brain tumor;
- e. Intracranial surgery;
- f. Cerebrovascular disruption such as a stroke;
- g. Toxic exposure; or
- h. Other neurologic disorders such as Huntington's disease or multiple sclerosis which predominantly affect the central nervous system; and

(5) Is manifested by:

- a. Significant decline in cognitive functioning and ability; or
- b. Deterioration in:
 - 1. Personality;
 - 2. Impulse control;
 - 3. Judgment;
 - 4. Modulation of mood; or
 - 5. Awareness of deficits.

(b) "Area agency" means "area agency" as defined in RSA 171-A:2, I-b.

(c) "Bureau" means the bureau of developmental services of the department of health and human services.

(d) "Bureau administrator" means the chief administrator of the bureau of developmental services.

(e) "Commissioner" means the commissioner of the department of health and human services.

(f) "Department" means the New Hampshire department of health and human services.

(g) "Developmental disability" means "developmental disability" as defined in RSA 171:A:2, V, namely "a disability:

(a) Which is attributable to intellectual disability, cerebral palsy, epilepsy, autism, or a specific learning disability, or any other condition of an individual found to be closely related to intellectual disability as it refers to general intellectual functioning or impairment in adaptive behavior or requires treatment similar to that required for persons with an intellectually disabled individuals; and

(b) Which originates before such individual attains age 22, has continued or can be expected to continue indefinitely, and constitutes a severe handicap disability to such individual's ability to function normally in society."

(h) "Family" means a group of 2 or more persons that:

- (1) Is related by ancestry, marriage, or other legal arrangement;
- (2) Has one member who is the primary caregiver of the individual in (3) below; ; and
- (3) Has at least one member who is an individual as defined in (j) below.

(i) “Family support” means those services, activities, and interventions, enumerated in He-M 519.04 (c), that are identified by a family to assist that family to remain the primary caregiver of an individual.

(j) “Individual” means a person with a developmental disability or acquired brain disorder who is eligible or conditionally eligible pursuant to He-M 503.03 or He-M 522.03 or a child, through age 2, who is eligible for family-centered early supports and services pursuant to He-M 510.06.

(k) - “Partners in Health (PIH)” means “partners in health” as defined in He-M 523, namely ~~PHH~~ means “a New Hampshire community-based program of family support for young adults and families”.

(l) ~~“Region”~~ means “area” as defined in RSA 171-A:2, I-a, namely “a geographic region established by rules adopted by the commissioner for the purpose of providing services to developmentally disabled persons”.

(m) “Respite” means the provision of short-term care, in accordance with He-M 513, for an individual, in or out of the individual’s home, for the temporary relief and support of the family with whom the individual lives.

~~—~~(n) -“Special ~~m~~Medical ~~s~~Services (SMS)” means “special medical services” as defined in He-M 520 namely, ~~“the administrative section of~~ the bureau of ~~developmental special medical~~ services that operates the Title V program for children and youth with special health care needs”.

(o) “Supports and services” means a wide range of activities that assist families in developing and maximizing the families’ abilities to care for individuals and meet their needs in a flexible manner.

Readopt He-M 519.03, effective 2-26-11 (Document #9879-A), to read as follows:

He-M 519.03 Eligibility. A family shall be eligible for family support services if such family has:

- (a) An individual member from birth through age 2 who is eligible for family-centered early supports and services pursuant to He-M 510.06; or
- (b) An individual member age 3 or older who has a developmental disability or an acquired brain disorder pursuant to He-M 503.03 or He-M 522.03.

Readopt with amendment He-M 519.04-519.06, effective 2-26-11 (Document #9879-A), to read as follows:

He-M 519.04 Supports and Services.

- (a) Family support services shall:
 - (1) Focus on the entire family;
 - (2) Recognize and value the family’s strengths and competencies;
 - (3) Respect the family’s approach to making decisions regarding provision of supports and services;
 - (4) Create and emphasize opportunities for families to build relationships in their communities;

- (5) Maximize the family's control over the provision of supports and services;
- (6) Identify resources and supports and services that are flexible, individualized, and responsive to the changing needs of the family;
- (7) Respect the family's cultural and ethnic beliefs, traditions, personal values, and lifestyles;
- (8) Empower families through educational opportunities and wide dissemination of information; and
- (9) Promote family involvement in all levels of planning, policy-making, and monitoring of the service system.

(b) In addition to offering area agency programs or funds to provide supports and services, family support staff shall explore, identify, and assist families to access community resources, both formal and informal, as available.

(c) Family support shall include, ~~but not be limited to~~ the following:

- (1) Information and referral;
- (2) Assistance to identify and assess the family's own strengths, needs, and goals;
- (3) Identification of, and assistance to access, community resources and supports;
- (4) Assistance with transition in and out of services;
- (5) Crisis intervention and emotional support;
- (6) Advocacy for accessing supports and services;
- (7) Opportunities for family networking;
- (8) Assistance to access respite care;
- (9) Assistance to access environmental modifications of the family's home and the family's vehicle;
- (10) Promotion of inclusive social and recreational opportunities;
- (11) Conferences and workshops in response to families' requests;
- (12) Community outreach, education, and development to promote understanding and support for families as well as individuals with disabilities;
- (13) Financial assistance provided that this assistance is:
 - a. Related to supporting a family to care for an individual member in the family home; and
 - b. Consistent with the established policies of the area agency and, if applicable, the regional family support council as required by He-M 519.05(c)(5); and
- (14) Other supports and services that assist a family in providing care for an individual member in the family home.

He-M 519.05 Regional Family Support Council.

(a) Each region shall have a family support council that shall act as an advisory body to the area agency.

(b) A regional family support council shall:

- (1) Be composed of a minimum of 5 voting members;
- (2) Have members who are either family members or individuals;
- (3) Have no voting member who is an employee of either the area agency or the family support council; and
- (4) Have membership that is representative of the various ages, and geographical locations, and overall diversity of the individuals and families served in the region.

(c) Regional family support councils shall establish and maintain policies that address, at a minimum, the following:

- (1) Membership, recruitment, rotation, and term limits on the council;
- (2) A process for determining the chairperson, the state council delegate, the council representative to the area agency board of directors, and any other positions;
- (3) Orientation and mentoring of all council members;
- (4) A formal written agreement between the council and the area agency that identifies:
 - a. The parties' relationship, roles, and responsibilities;
 - b. The process to be used in resolving any conflicts which might arise between the parties;
 - c. The involvement of the council in the selection and evaluation of the performance of the family support staff;
 - d. The family support representative on the area agency management team and the mechanism for direct communication between this person and the council;
 - e. The family support council's obligation to comply with all confidentiality requirements as set by federal authorities, the department, or the area agency; and
 - f. The process for sharing contact information for families in the region with the family support council for the purpose of outreach, advocacy, or information.
- (5) Processes used to ~~disperse-distribute~~ family support council funds and other resources, and the processes shall includeing ensuring family privacy in the application and fund allocation process; and
- (6) A mechanism for the council to be involved in the area agency monitoring of supports and services provided to families.

(d) The regional family support councils shall coordinate their efforts with other local public and private entities that serve children, adults, and families, including but not limited to early supports and services providers, PIH, and SMS.

He-M 519.06 Family Support Staff.

(a) Each area agency shall designate not less than one full-time position as the family support coordinator or director.

(b) The qualifications and duties of the staff person designated pursuant to (a) above shall be identified by a job description designed jointly by the regional family support council and the area agency.

(c) The designated staff person shall perform all duties in his or her job description including, at a minimum:

- (1) Representing the ideas and concerns of families and of family support staff to the area agency executive director and at management team meetings;
- (2) Promoting the values of family support as listed in He-M 519.04 (a) in area agency activities and initiatives;
- (3) Acting as the primary liaison with the council and regularly attending council meetings;
- (4) Providing information to the council regarding family support activities so that the council:
 - a. Understands families' needs;
 - b. Can act on families' needs; and
 - c. Is involved in the area agency monitoring of regional supports and services;
- (5) Ensuring that an individual or family has accessed all other available funding and community resources prior to requesting funding for family supports from the council;
- (6) Facilitating the distribution of family support funds approved for distribution by the family support council;
- (7) Providing information or referral to PIH if requested by the PIH family support coordinator, or the individual, or family; and
- (8) Providing feedback to other family support staff from the council and the management team.

(d) Family support staff shall:

- (1) Provide, or assist families in accessing, family supports and services;
- (2) Solicit support for families from community groups, foundations, and other sources as needed;
- (3) Plan and develop agreements with each family that document the supports in He-M 519.04 (c) that will be provided;
- (4) Maintain records regarding the supports and services provided to each individual or family;

(5) Maintain data that specifies the type and frequency of family supports and services provided; and

(6) Report data collected pursuant to (4) and (5) above to the bureau on a quarterly basis.

Readopt He-M 519.07, effective 2-26-11 (Document #9879-A), to read as follows:

He-M 519.07 Regional Family Support Plan.

(a) Each regional family support council shall contribute to the development of the area plan prepared pursuant to He-M 505.03 (t)-(u).

(b) To satisfy the requirements of He-M 505.03 (u)(2), the regional family support council's contribution pursuant to (a) above shall consider:

(1) The priorities of families residing throughout the region for supports and services; and

(2) Strategies to address these priorities.

Readopt with amendment He-M 519.08, effective 2-26-11 (Document #9879-A), to read as follows:

He-M 519.08 State Family Support Council. The state family support council shall:

(a) Be comprised of one voting delegate appointed by each of the 10 regional family support councils;

(b) Be assisted by the family support administrator or designee and bureau support staff;

(c) Elect a new chairperson at least every 2 years;

(d) Hold meetings every other month to discuss agenda items formulated by members of the council;

(e) Be a forum for exchanging, sharing, and distributing information to each regional council;

(f) Be an avenue for arbitration and mediation of conflict resolution between area agencies and regional councils when requested by both parties and after processes identified pursuant to He-M 519.05(c)(4)b. have been exhausted; and

(g) Provide information and feedback on issues and concerns of regional councils to the bureau.

Readopt with amendment He-M 519.09, effective 2-26-11 (Document #9879-A & B), to read as follows:

He-M 519.09 Waivers.

(a) An area agency or regional family support council may request a waiver of specific procedures outlined in He-M 519 by completing and submitting to the department the form entitled "NH Bureau of Developmental Services Waiver Request" (~~September-January 2018~~ edition); ~~and~~

(b) A completed waiver request form shall include signatures by the family support council chairperson or designee indicating agreement with the request and the area agency's executive director or designee recommending approval of the waiver.

(c) A waiver request shall be submitted to:
Department of Health and Human Services
Bureau of Developmental Services

Hugh J. Gallen State Office Park
105 Pleasant Street, Main Building
Concord, NH 03301

(d) All information entered on the forms described in (a) above shall be typewritten or otherwise legibly written.

(e) No provision or procedure prescribed by statute shall be waived.

(f) The request for a waiver shall be granted by the commissioner or his or her designee within 30 days if the alternative proposed by the requesting entity meets the objective or intent of the rule and it:

(1) Does not negatively impact the health or safety of the individual(s); and

(2) Does not affect the quality of services to individuals.

(g) Upon receipt of approval of a waiver request, the requesting entity's subsequent compliance with the alternative provisions or procedures approved in the waiver shall be considered compliance with the rule for which waiver was sought.

(h) Waivers shall be granted in writing for a specific duration not to exceed 5 years except as in (i) below.

(i) A requesting entity may request a renewal of a waiver from the bureau. Such request shall be made at least 90 days prior to the expiration of a current waiver.

(j) A request for renewal of a waiver shall be approved in accordance with the criteria specified in (fe) above.

APPENDIX

Rule	State Statute Implemented
He-M 519.01 - 519.04	RSA 126-G:3
He-M 519.05 - 519.07	RSA 126-G:4
He-M 519.08 - 519.09	RSA 126-G:3