

BAAS POLICY RELEASE (PR)	
PR NUMBER:	24-19
TO:	All Bureau of Adult and Aging Services Staff and Case Management Agency Directors
FROM THE OFFICE OF:	Bureau Chief of Adult and Aging Services (BAAS), Wendi Aultman
SIGNATURE:	
SUBJECT:	Release of BAAS 3705a, The Rights of Individuals Receiving Choices for Independence (CFI) in the Community Booklet
EFFECTIVE DATE:	November 15, 2024

SUMMARY

This Policy Release (PR) releases a new booklet entitled BAAS Form 3705a, *The Rights of Individuals Receiving Choices for Independence (CFI) in the Community*.

BACKGROUND

Due to the recent adoption of He-E 310, *The Rights of Individuals Receiving Choices for Independence (CFI) in the Community*. The Bureau of Aging and Adult Services (BAAS), in partnership with the Settings Rule Advisory Task Force, has created a booklet as a resource and guidance for all individuals to assist them in understanding the rights of individuals who are served by the CFI program and Home and Community Based Services (HCBS) Waiver.

POLICY

No policy is being changed by the release of this PR.

IMPLEMENTATION

This policy is effective November 15, 2024. BAAS Form 3705a, *The Rights of Individuals Receiving Choices for Independence (CFI) in the Community*, is available for use immediately.

BAAS Form 3705a, is available **electronically** on the DHHS website at www.dhhs.nh.gov/forms-documents-0, [NHCarePath Partner Resources - Consumer Booklets | New Hampshire Department of Health and Human Services](#) and will also be available internally, for Department staff only, on the (N:) drive upon release of this PR.

Paper versions of BAAS 3705a will be available in the near future to place orders through the DHHS Warehouse/Logistics via the Quarterly Forms Order (QFO).

FORMS INSTRUCTIONS

Remove and Destroy

Insert/Replace

None	BAAS Form 3705a, <i>The Rights of Individuals Receiving Choices for Independence (CFI) in the Community</i> , PR #24-19
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DISTRIBUTION

This PR will be distributed according to the electronic distribution list for BAAS policy releases and will be available internally on the DHHS (N:) drive for staff to access and on the DHHS website at [Bureau of Adult and Aging Services \(BAAS\) General Memos \(GM\) and Policy Releases \(PR\) | New Hampshire Department of Health and Human Services \(nh.gov\)](#) for public access.

**The Rights of
Individuals
Receiving Choices for
Independence (CFI) in
the Community**



Connections to better living



NHCarePath is New Hampshire's "front door" to quickly connect individuals to a full range of community services and supports.

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- Americans with Disabilities Act of 1990 42 U.S.C. § 12101 et seq.
- He-E 310: Rights under the Choices for Independence (CFI) program
- RSA 151:21: New Hampshire's Patients' Bill of Rights
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1. Introduction

1.1 Overview of Your Rights as a Person Receiving Services

This section explains the basic rights you have when you receive services through the Choices for Independence (CFI) program. These rights are there to make sure you are treated with respect, are involved in decisions about your care, and can live as independently as possible.

Your complete rights under CFI can be found in the Administrative Rule, He – E 310:

<https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/inline-documents/sonh/adopted-rule-2024-83-he-e-310.pdf>

Example: You have the right to be included in decisions about your care, to be treated with respect, and to have your choices honored.

1.2 What is the Choices for Independence (CFI) Program?

The CFI program provides Medicaid services to help adults with a chronic illness and/or disability stay in their home or community rather than moving to a nursing home. It offers support like home care, transportation, and help with daily activities.

Example: Mary, who has difficulty bathing and getting dressed, gets home care and help with grocery shopping and help with other housekeeping tasks so she can stay in her own house.

2. Definitions of Key Terms

2.1 Abuse (RSA 161-F:43 II)

Abuse is when someone does something that harms or hurts another person on purpose.

Emotional Abuse: This includes actions like yelling, insulting, or threatening someone.

Example: When someone makes fun of or threatens you, which makes you feel scared or sad.

Physical Abuse: This happens when someone uses physical force to hurt you.

Example: When someone grabs or hits you.

Sexual Abuse: This involves any unwanted sexual contact.

Example: Someone touches you inappropriately without your consent.

2.2 Neglect (RSA 161-F:43 III)

Neglect is when someone doesn't give you the care you need, which can cause harm.

Example: When someone doesn't help you with their assigned tasks.

2.3 Exploitation (RSA 161-F:43 IV)

Exploitation happens when someone takes advantage of you or your money for their own benefit.

Example: When someone asks to borrow money but does not pay it back.

2.4 Informed Decision

An informed decision is when you understand all your options and the consequences, so you can make a choice that's right for you.

Example: Your case manager explains all your care options, and you choose what you want after learning the pros and cons.

2.5 Guardian (RSA 464-A)

A guardian is someone legally appointed by the court to make decisions for you if you are unable to make them yourself.

Example: If you can't make decisions due to illness, a guardian can help manage your care and finances.

Power of Attorney: A writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used. (RSA564-E:102 (15))

Healthcare POA: A document delegating to an agent the authority to make health care decisions executed in accordance with the provisions of this chapter. It shall not mean forms routinely required by health and residential care providers for admissions. (RSA 137-J)

Financial POA: A power of attorney that is not limited by its terms to a specified transaction or series of transactions, to a specific purpose, or to a specific asset or set of assets, or a power of attorney that grants an agent the authority to do any one or more of the acts described in RSA 564-E:201(a)

2.6 Case Management Agency

An organization that oversees case managers, who assist each CFI participant.

A case manager works for a case management agency and helps coordinate your care and makes sure you get the services you need.

Example: Your case manager sets up and ensures you receive your home health care services and advocates for your needs.

2.7 Provider

A provider is anyone who delivers services to you, such as a nurse, home care aide, or therapist. Some providers might not be CFI providers.

Example: Your home care provider helps you with personal care, homemaking tasks, medication reminders.

2.8 Admissions agreement (RSA161-J:4)

A residential services agreement (admissions agreement) outlines what a resident can expect in an assisted living residence, an independent living retirement community, or housing for older persons. The agreement provides protections against evictions and identifies the cost of services to be provided.

Example: You must be made aware of and agree to the expectations of the place where you will be living.

3. Your Personal Rights in the CFI Program

Your Personal Rights		
Right:	What that means:	Example:
Respect and Dignity	You have the right to be treated with respect and dignity at all times.	Someone speaks to you politely and listen to your concerns
Freedom from Abuse and Neglect	You have the right to live free from abuse, neglect, and exploitation.	Someone cannot hurt you, ignore your needs, or take advantage of you.
Privacy	You have the right to privacy, both in your personal life and in your care.	Your caregiver shouldn't talk about you to others or post pictures/videos of you on social media without your permission.
Making Your Own Decisions	You have the right to make your own decisions about your care.	Based on your care plan, you can choose which providers you want and how your services are delivered (time of day, etc.).
Personalized Care Plan	You have the right to a care plan that fits your unique needs and preferences.	Your case manager works with you to create a plan that meets your needs, including how often you receive home care services.
Participation in Community Life	You have the right to stay involved in your community as much as you'd like.	You can participate in social activities or go to community events as you choose.
Civil Rights, like Cultural and Religious Rights; Nondiscrimination (ADA, Civil Rights Act)	You have the right to practice your culture and religion and to not be discriminated against based on things like race, gender, or disability.	A caregiver will respect your cultural and religious values.

4. Rights in Residential Care Facilities -CFI

Rights in Residential Care Facilities		
Right:	What that means:	Example:
Safe and Accessible Environment	You have the right to live in a safe place that is easy for you to access.	The building has safety features like handrails and good lighting. You're able to maneuver around the building easily with an assistive device such as a cane, walker or wheelchair.
Privacy in Your Room	You have the right to privacy in your own room or living space.	Someone knocks before entering your room and asks permission to come in. You can lock your door if you choose.
Personal Choices and Control	You have the right to make choices about your daily life, such as when you wake up or what you eat.	You decide what time you want to have breakfast or what activities you want to do.
Communication and Visitors	You have the right to talk to others and have visitors when you want.	You can have friends or family visit you, and you can make phone calls in private.
Privacy in Personal Care	You have the right to privacy when receiving personal care, such as bathing or dressing.	Your caregiver respects your privacy when helping you bathe by ensuring the door is closed.

5. Service Rights - CFI

Service Rights		
Right:	What that means:	Example:
Adequate and Humane Services	You have the right to receive care that meets your needs and be treated with respect.	Your paid caregivers are properly trained and provide you with the care you need.
Person-Centered Planning	You have the right to be the focus of your care plan, with your needs and preferences guiding the services you receive.	Your care plan is tailored to you, not just a one-size-fits-all approach.
Informed Consent	You have the right to be fully informed and to give your permission before any service is provided.	You have the right to review and/or make changes to your care plan and make the decision as to whether you agree with it or not.
Right to Refuse Services	You have the right to refuse any service or treatment you do not want.	You're scheduled for assistance with a bath. When the caregiver arrives, you have the choice if you want to take a bath or not.
Promoting Independence	You have the right to receive services that help you live as independently as possible.	You get support with cooking, but you still decide what meals you want to have prepared for you.
Medical Care	You have the right to receive proper medical care as part of your services.	You have the right to choose your medical providers, and you can make changes at any time.
Self-Direction	You have the right to direct your own care, meaning you choose who provides your services and how they are delivered.	You can express your preference of who supports you and set your own schedule.
Freedom from Restraint	You have the right to be free from physical or chemical restraints unless they are medically necessary.	Someone cannot restrain you.

6. Managing Problems and Grievances -CFI

If someone is dissatisfied or concerned with services being provided or a CFI provider's performance, a grievance can be filed.

"Grievance" means an expression of dissatisfaction or complaint by a participant or on behalf of a participant related to the department's administration of CFI or a provider's performance of CFI services regardless of whether action is requested.

If you have a problem or issue, you may:

6.1 Talk to Your Provider

If you have a problem, you have the right to talk to your service provider to resolve it.

Example: If a caregiver is always late, you can talk to the agency or ask for assistance to talk to the agency in order to fix the issue.

6.2 File a Grievance

You have the right to file a grievance if you feel your rights are being violated.

Example: If you feel you're being mistreated or are not getting the services that meet your identified needs, you can file a grievance with the agency providing services or with the state.

Individuals may file a grievance with the Bureau of Adult and Aging Services (BAAS) by one of the following:

- Emailing the grievance to: BAASQualityManagement@dhhs.nh.gov
- Mailing the grievance to:
 - Bureau of Adult and Aging Services
 - Attn: Quality Coordinator
 - 105 Pleasant Street, Concord, NH 03301
- By telephone to: 603-271-2240 or 1-844-ASK-DHHS (1-844-275-3447), ext. 12240
- By fax to: 603-271-4643, Attn: Quality Coordinator.

Grievance Process:

The BAAS quality coordinator shall resolve grievances by one of the following:

- (1) An informal grievance resolution where the quality coordinator, the participant, and any other appropriate parties shall meet via telephone, internet video meeting software, or any other agreed upon method to address concerns identified in the grievance;
- (2) A formal grievance resolution where the quality coordinator shall investigate the grievance to determine the circumstances of the situation and submit a report to the BAAS bureau chief on the grievance and, if applicable, any systemic factors that played a role in the grievance; or
- (3) Make a referral to another agency as appropriate as described in He-E 310.11.

6.3 Keep Track of the Process

You have the right to know about the status of your grievance and what is happening.

Individuals reporting a grievance to BAAS shall be contacted within 5 business days of the receipt of the grievance.

Individuals shall be informed of changes to the status of the grievance until the complaint is resolved.

Grievance Outcome:

All appropriate parties involved in a grievance resolution shall receive a written summary stating the details of the grievance and the resolution made.

6.4 Other Resources

If you need help with a problem, you have the right to contact other resources like a Long-Term Care Ombudsman or Adult Protective Services.

Example: You can call the Long-Term Care Ombudsman if you live in Assisted Living, and you feel your complaint is not being addressed.

7. Additional Rights Under New Hampshire Law

(RSA 151:21 Patients' Bill of Rights)

In addition to your rights under the CFI waiver, you have additional protections under the Patients' Bill of Rights when you receive health care.

Additional Rights Under New Hampshire Law (RSA 151:21 Patients' Bill of Rights)		
Right:	What that means:	Example:
Full Disclosure	You have the right to be fully informed about your medical condition and care.	Your doctor explains your test results and the different treatment options.
Planning	You have the right to help plan your treatment and care.	You can work with your healthcare team to make healthcare decisions based on your preferences.
Refusal of Treatment	You have the right to refuse any treatment you don't want.	You decide not to have surgery after learning about the risks.
Consent for Experimental Research	You have the right to refuse experimental research and treatments.	Before joining a clinical trial, you sign a form saying you understand and agree to participate.
Respect and Dignity	You have the right to be treated with respect and dignity at all times.	Nurses and doctors treat you kindly and value your input during your doctor's visit or hospital stay.
Privacy in Treatment and Personal Care	You have the right to privacy during treatment and personal care.	Your medical exams and treatments are done in a private environment. Your wishes should be respected when receiving your care regarding privacy.
Interpreter Services	You have the right to free interpreter services if you need help communicating.	A translator helps you understand your doctor's instructions if you don't speak English fluently.

8. Legal Citations and Resources

- Public Law 88-352 (78 Stat. 241): The Civil Rights Act of 1964
- Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.)
- He-E 310: Rights under the CFI program:
<https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/inline-documents/sonh/adopted-rule-2024-83-he-e-310.pdf>
- RSA 151:21: New Hampshire's Patients' Bill of Rights
- RSA 161-F:43: Statutes protecting against abuse, neglect, and exploitation of vulnerable adults
- 42 CFR 441.301(c)(4) & (c)(7): Federal regulations related to person-centered care and grievance procedures for Medicaid services
- Health Insurance Portability and Accountability Act (HIPAA):
<https://www.hhs.gov/hipaa/index.html>
 - RSA 161-J Assisted Living Residences, Independent Living Retirement Communities, And Housing for Older Persons

9. Important Contacts

9.1 Bureau of Adult and Aging Services (BAAS)

Provides information and resources on aging and adult services.

Address: Main Building, 105 Pleasant Street, Concord, NH 03301

Email Address: BAAS@dhhs.nh.gov

Office Phone: [603-271-9203](tel:603-271-9203)

Alternate Phone: [1-800-351-1888](tel:1-800-351-1888)

<https://www.dhhs.nh.gov/programs-services/adult-aging-care>

9.2 Adult Protective Services (APS)

Investigates cases of abuse, neglect, or exploitation.

Address: Main Building, 105 Pleasant Street, Concord, NH 03301

Email Address: APSCentralIntake@dhhs.nh.gov

Phone: [\(603\) 271-7014](tel:603-271-7014)

Alternate Phone: [\(800\) 949-0470](tel:800-949-0470)

Fax: [\(603\) 271-4743](tel:603-271-4743)

Complete and online report: <https://nheasy.nh.gov/#/aps/start>

<https://www.dhhs.nh.gov/report-concern/adult-abuse>

9.3 Long-Term Care Ombudsman

Helps resolve complaints about long-term care services in assisted living homes and nursing homes.

Brown Building, 129 Pleasant Street, Concord NH, 03301

Email Address: OLTCO@dhhs.nh.gov

Phone: [\(603\) 271-4375](tel:603-271-4375)

Alternate Phone: [\(800\) 442-5640](tel:800-442-5640)

Fax: [\(603\) 271-5574](tel:603-271-5574)

TTY: [1-800-735-2964](tel:1-800-735-2964)

<https://www.dhhs.nh.gov/about-dhhs/long-term-care-ombudsman>

9.4 Department of Health and Human Services (Ombudsman Office)

Handles concerns and complaints about health and human services.

105 Pleasant Street, Concord, NH 03301
Email Address: Ombudsman@dhhs.nh.gov

Phone: (603) 271-6941

Alternate Phone: (800) 852-3345

Fax: (603) 271-4632

<https://www.dhhs.nh.gov/about-dhhs/office-ombudsman>

Link to RSA 564-E, Uniform Power of Attorney Act:

<https://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LVI-564-E.htm>

Link to RSA 137-J, Written Directives for Medical Decision Making:

<https://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-137-J.htm>

Notes

