



Disability Rights Center
Statement of Goals and Priorities
October 1, 2017 – September 30, 2018

Table of Contents

Introduction	3
General Case Selection Criteria	5
Priorities	7
I. Abuse, Neglect, Restraint and Seclusion	7
II. Public Accommodations, Transportation, Government, Voting, Assistive Technology and Housing	8
III. Rights Protections in Institutions, Prisons and Jails	10
IV. Healthcare and Community Based Services	11
V. Special Education and Other Services for Children	13
VI. Employment	14
VII. Outreach, Training and Self Advocacy	15
Committee Work	17
Sources of Funding	18
Summary of Changes from FY 2017 Plan	20

Introduction

Disability Rights Center – NH (DRC) strives to provide high quality legal services to individuals with disabilities across New Hampshire on legal issues related to their disabilities which fit within the priorities outlined in this plan.

In FY 2016, DRC provided legal assistance to 1,031 individuals with all types of disabilities on issues like access to home and community based services, discrimination in employment or housing, building and program accessibility, and access to special education services.

- DRC represented an older woman with serious medical issues who lived on her own with help from home health aides paid through a Medicaid waiver. Her aides helped with a number of tasks, including wrapping her legs to improve her circulation, something she was not able to do herself, and without which she risked losing her legs. She called DRC when she received a notice that her services were ending. Without these services, her health would decline and she would likely have to move to an institution. With DRC's representation in her appeal, she was able to keep the home health aides she relied upon and stay in her home.
- DRC helped a young lady with intellectual disabilities who wanted to take a Child Development class at her high school. Because she needed accommodations and modifications in the class, her high school refused to allow her to participate. While investigating, DRC discovered that the high school had removed 5 other special education students from vocational classes for the same reason: the school believed it was following a NH Dept of Education policy. DRC advocated on behalf of this student with the school and NH Dept of Education to ensure that the policy accommodated students with disabilities. The policies were changed so that all the students with disabilities were once again able to take these classes with the accommodations they needed to be successful.

DRC also engages in litigation and advocacy to improve the lives of people with disabilities. For example, DRC is working to improve access to home and community based services via a class action lawsuit on behalf of people with mental illness who faced unnecessary institutionalization because New Hampshire did not provide adequate community services. As part of the settlement, the state agreed to significant increases in community services for these individuals and reforms continue. In another case, as a result of litigation and DRC's advocacy with city officials, Concord's newly renovated Main Street is fully accessible to people with disabilities.

All callers to DRC with disability-related issues that fall within DRC's broad priorities have access to an attorney for consultation and referral during an initial meeting via telephone or in person.

DRC welcomes comments from the public on our priorities, case selection criteria and work on behalf of people with disabilities. To share your comments, call DRC at 603-228-0432, email advocacy@drcnh.org or write to Disability Rights Center – NH, 64 North Main Street, Suite 2, Third Floor, Concord, NH 03301.

General Case Selection Criteria

DRC receives hundreds of requests for assistance each year and we are only able to assist a limited number of people.

Every person with a disability who contacts DRC to request assistance on a disability related issue that falls within DRC's broad priorities consults with an attorney who provides information and referral or consultation during his or her initial intake meeting.

The decision to provide representation must be based on balancing a number of factors, including whether the issue is within our priorities, the likelihood of success on the merits, the amount of time and resources needed for the case, the legal claims, staff availability, and the harm that the client may face.

In general, Disability Rights Center considers cases which meet the following criteria:

- Individual seeking help must be a person with a disability living or working in New Hampshire or a legal guardian of such an individual
- Individual seeking help must agree to receive help from DRC
- Issue must be related to the individual's disability
- Issue must fall within DRC's priorities and case selection criteria as outlined below.

DRC does not provide legal advice or representation to people with disabilities in the following areas. In these cases, the DRC support staff member will provide referrals to other resources during the initial request for assistance.

- Family matters (divorce, child custody, child support)
- Estate planning including Wills and Trusts
- Criminal Proceedings in which the person charged is seeking representation
- Prison conditions, except as they directly relate to a disability
- Worker's compensation
- Medical Malpractice
- Personal injury cases not related to restraint, seclusion or abuse
- Representation of families to obtain Guardianship and representation of individuals with disabilities in Guardianship proceedings, except when DRC is appointed to represent the individual with the disability
- IEA (involuntary emergency admissions)
- Private insurance – long term disability or short term disability appeals
- SSI or SSDI eligibility or redetermination
- Bankruptcy
- Foreclosure
- Evictions based on non-payment of rent
- VA cash benefits
- Food stamps

- Any case not directly related to a person's disability

DRC may modify these priorities throughout the year to address emerging issues or provide representation when the rights violation is particularly egregious. Egregious rights violations are particularly bad and/or obvious violations of the rights of the person with a disability.

Additional information regarding the case selection criteria is included within the priorities below.

Priorities

I. Abuse, Neglect, Restraint and Seclusion

Within the limits of its resources, DRC will prioritize cases that:

- Present the opportunity to correct systemic problems or achieve systemic improvements.
- Involve serious harm or death of the individual with a disability

Priority/Goal	Objectives
1. Advocate to ensure the restraint/seclusion law (RSA 126-U) is implemented in a timely and complete manner.	<p>a. Investigate and report on the use of restraint in at least one facility serving children with mental illness. (PAIMI)</p> <p>b. Conduct at least one monitoring visit to a school or facility with high use of restraint or seclusion. (PADD)</p> <p>c. Consider legislation or rulemaking to address the use of restraint and/or isolation at facilities serving juveniles. (Unrestricted, Contract)</p>
2. Advocate to Prevent Abuse and Neglect	<p>a. Educate legislators about the impact of abuse and neglect on children and adults with disabilities, particularly in facilities. (Contract, Unrestricted)</p> <p>b. Provide limited or full representation to individuals with disabilities who are being abused or neglected or who are at risk of abuse and neglect. PADD (1), PAIMI (1).</p>
3. Strive to end the inappropriate use of restraint and seclusion	<p>a. Provide limited or full representation to individuals with disabilities related to the inappropriate use of restraint or seclusion. PADD (1), PAIMI (2)</p>

Note: Abbreviations throughout the document (PADD, PAIMI, PAIR, PATBI, PAAT, PAVA, PABSS) indicate the funding source(s) for each objective. Additional information on DRC's funding sources is available on Page 17.

II. Public Accommodations, Transportation, Government, Voting, Assistive Technology and Housing

Within the limits of its resources, DRC will prioritize cases that:

- Present the opportunity to correct systemic problems or achieve systemic improvements.

Priority/Goal	Objectives
<p>1. DRC will address illegal and discriminatory architectural and program barriers in public services & public accommodations.</p>	<p>a. Provide limited or full representation to people with disabilities to increase access to public services and public accommodations. (PADD -2, PAIMI 2, PAIR- 4, PATBI- 1, PAAT -1)</p> <p>b. Develop a booklet or brochure to explain rights related to the Americans with Disabilities Act and how to request accommodations. (PAIR)</p> <p>Note: DRC will consider representation in this area only after the individual has attempted to resolve the issue on his or her own, except in cases where he/she is unable to do so because of disability. DRC will provide resources to the individual with a disability to assist in his/her advocacy efforts.</p>
<p>2. DRC, through advocacy and other strategies, will strive to ensure full participation of people with disabilities in the electoral process.</p>	<p>a. Engage voters and election officials across the state to improve access to independent voting by people with disabilities in local elections. (PAAT)</p> <p>b. Provide training to at least 50 people with disabilities to promote their participation in elections. (PAVA)</p> <p>c. Demonstrate the “One for All” accessible voting system at 5 events across the state. (PAVA)</p> <p>d. Monitor the implementation of SB 3 and advocate for accommodations for voters with disabilities if needed. (PAVA)</p>

<p>3. Advocate for ensuring availability of assistive technology (AT) and services to children and adults with disabilities who require it.</p>	<p>a. Provide limited or full representation to people with disabilities to increase access to assistive technology. (PAAT-2)</p>
<p>4. Address discrimination in and the need for accessible and affordable transportation.</p>	<p>Due to limited resources, DRC is unable to provide representation to people with disabilities for issues related to transportation unless the case involves assistive technology or is an egregious and systemic violation of rights.</p>
<p>5. To help ensure a greater supply of accessible community based housing for persons with mobility impairments and supported housing for persons with mental illness as well as to meet the above goals.</p>	<p>a. Provide limited or full representation to people with disabilities who are at risk of eviction to increase access to accessible or affordable housing. (PADD-1, PAIMI - 1)</p>

III. Rights Protections in Institutions, Prisons and Jails

Priority/Goal	Objectives
<p>1. In the DD and ABD system, advocate for (a) elimination of segregated, congregate and/or subpar facilities or settings, (b) increased community housing options for individuals with additional disabilities (e.g. behavioral or medical), & (c) elimination of policies and practices that restrict housing choices for young adults and others to only remaining at home or living with another family (enhanced family care).</p>	<p>a. Provide limited or full representation to individuals with developmental disabilities and traumatic brain injuries regarding access to services in the most integrated settings. (PADD -4, PATBI-1).</p>
<p>2. Advocating for placement out and diversion from nursing homes where warranted, to include advocating for effective practices to help individuals find alternative housing with supports and for other necessary enhancements to the community infrastructure.</p>	<p>a. Provide limited or full representation to individuals with disabilities regarding transition out of or diversion from nursing homes. (PAIMI -2, PAIR-2).</p>
<p>3. Monitor NH Hospital and other selected facilities through site visits and other means, to ensure there is appropriate treatment and services, and individuals are free from abuse, neglect and other forms of harm.</p>	<p>a. Conduct at least 5 monitoring visits of the following facilities:</p> <ul style="list-style-type: none"> • Secure Psychiatric Unit (PAIMI) • Sununu Youth Services Center (PAIMI) • New Hampshire Hospital (PAIMI)
<p>4. Provide representation when prisons or jails fail to accommodate individuals with physical or sensory disabilities.</p>	<p>a. Provide limited or full representation to prisoners with disabilities who are at significant and immediate risk of death or serious injury regarding access to urgent medical care. (PAIR -1)</p>

IV. Healthcare and Community Based Services

Priority/Goal	Objectives
<p>1. Monitor and advocate for full implementation of the Amanda D. v. Hassan Settlement Agreement designed to provide comprehensive community based services and processes to enable class members to live in supportive community settings and avoid hospitalization and institutionalization.</p>	<p>a. Review at least 3 expert reports to ensure they accurately reflect the implementation of the Amanda D settlement agreement via comments on at least 3 reports. (PAIMI)</p> <p>b. Monitor transitions from Glenclyff into community based housing for at least 3 individuals with mental illness. (PAIMI - 3)</p> <p>c. Provide individual representation to at least 3 individuals with mental illness as they attempt to access community mental health services. (PAIMI -3)</p>
<p>2. Challenge the length of civil commitments and consider challenging the basis of conditional discharge revocations when dangerousness is not present.</p>	<p>a. Educate state officials and legislators about the rights violations in New Hampshire's involuntary commitment and competency laws. (PAIMI, Unrestricted)</p>
<p>3. Ensure that eligible individuals have timely access to services and monitor compliance with waitlist provisions of RSA 171-A.</p>	<p>a. Provide limited or full representation to individuals with disabilities related to unjustified denial of eligibility or services. (PADD – 3, IOLTA)</p> <p>b. Investigate the options for systemic improvements to the long waiting list for developmental disability services. (PADD)</p> <p>c. Consider legislative advocacy to increase funding for services for people with traumatic brain injuries. (Unrestricted)</p> <p>d. Investigate the delays in eligibility determinations or in accessing services for individuals who seeking services via the CFI waiver and develop a strategy to address. (PAIR)</p>
<p>4. Advocate for improvement in the quality of services, to include supported employment, assistive technology,</p>	<p>a. Provide limited or full representation regarding the quality of services, including employment services, for</p>

<p>communication issues and services generally to persons with significant behavioral and/or medical challenges:</p>	<p>persons with disabilities. (PADD – 2, PAIR – 2, PABSS - 2)</p> <p>b. Advocate for full implementation of the new CMS Home & Community Based Services Waiver Settings Rules (e.g. DD, ABD, & CFI waivers) through advocacy at 2 meetings or comments on implementation plans. (PAIR, PADD, PATBI)</p> <p>c. Advocate for the rights of people with disabilities as New Hampshire considers implementation of managed long term services and supports. (PAIR, PADD, PATBI)</p>
<p>5. Monitor issues related to self-directed, consolidated services model, e.g. lack of clarity on ground rules, budget issues, tax issues, administrative fees, forcing models on people.</p>	<p>Monitor the use of the self-directed or consolidated services model through the review of a report or meeting with state or local officials. (PADD)</p>
<p>6. Ensuring that students with brain injury are identified when they need special education services.</p>	<p>a. Provide limited or full representation to students with brain injuries in special education cases. (PATBI – 1)</p>
<p>7. With regard to people with developmental disabilities, traumatic brain injury or other disabilities who are hospitalized or institutionalized in inappropriate settings for behavioral reasons, provide direct advocacy in a minimum of 2-5 cases.</p>	<p>a. Provide limited or full representation in cases regarding access to intensive services in community settings for individuals with developmental disabilities and behavioral health issues. (PAIR – 2, PADD – 3, PATBI – 1, IOLTA)</p>

V. Special Education and Other Services for Children

Priority/Goal	Objectives
1. Address needs of children with emotional mental health and behavioral challenges	<p>a. Provide limited or full representation regarding access to Applied Behavioral Analysis (ABA) therapy for children with autism where it is medically necessary. (PADD – 3)</p> <p>b. Monitor implementation of the “system of care” for children with emotional, behavioral or mental health challenges through review of documents and at least 1 meeting. (PAIMI)</p>
2. Development of systemic and other strategies to significantly improve school to post-secondary process and outcomes for students with disabilities.	a. Provide limited or full representation regarding access to appropriate transition services for students with disabilities, including forced graduations. (PADD – 3, PAIMI -1, PATBI – 1, PABSS - 1)
3. Ensuring DOE carries out its supervisory and monitoring role in regard to all students with disabilities	a. Provide technical assistance regarding the implementation of the recently revised special education regulations. (PADD, PAIMI, PAIR)
4. Ensure students with disabilities can access educational services.	<p>a. Provide full or limited representation to students with disabilities in the following areas:</p> <ul style="list-style-type: none"> • Suspension or expulsion • Serious injury or restraint/seclusion • Failure to evaluate/initial eligibility <p>(PADD – 5, PAIMI – 5, PATBI – 1, PAIR – 1, IOLTA)</p>

VI. Employment

DRC will consider representation in cases involving vocational rehabilitation only when the NH Governor’s Commission on Disability’s Client Assistance program has been unable or unwilling to represent the individual.

Priority/Goal	Objectives
1. Sheltered work and Subminimum wage Issues.	No objectives related to this priority/goal. In 2015, the New Hampshire legislature banned the payment of subminimum wage to individuals with disabilities (SB 47).
2. Advocate for an increase in substantial gainful employment of individuals with disabilities.	<p>a. Provide individual representation to individuals with disabilities who desire to be employed or improve their existing employment. (PABSS - 5, PADD – 1, PAIR -1, PAIMI – 1)</p> <p>b. Advocate for an executive order to prioritize the employment of people with disabilities in state government and support the employment of people with disabilities across the state. (PABSS)</p>
3. Address employment discrimination to which individuals with disabilities have been subjected.	a. On employment discrimination matters, (a) represent individuals on meritorious cases and (b) on others continue to provide advice on how to file EEOC and HRC complaints. (PAIMI -1, PABSS – 5, PAIR -1)
4. Advocate for the provision of assistive technology when it is necessary for an individual to obtain and retain employment or gain advancement.	a. Provide information, advice, case advocacy, including full representation where lack of assistive technology is a barrier to employment, selecting if possible larger employers to at least 2 individuals (PAAT).

VII. Outreach, Training and Self Advocacy

Priority/Goal	Objectives
<p>1. Continue to improve broad collaboration with other disability/advocacy groups and with larger coalition of individuals.</p>	<p>a. Meet regularly with disability advocacy groups to identify areas for collaboration and strategies to address.</p> <p>b. In collaboration with the IOD and DDC, publish the <i>RAP Sheet</i> three times per year.</p> <p>c. Support self advocacy efforts across the state via support of People First of NH. (PADD)</p> <p>d. Support self advocacy efforts across the state via collaboration with peer support centers. (PAIMI)</p>
<p>2. In collaboration or directly, develop and disseminate rights and informational material in a specified number of subject areas per year in English and Spanish, chosen on the basis of goals and priorities and areas in which there is the most need for such literature.</p>	<p>a. Publish or update at least 4 brochures or flyers in Spanish. (All grants)</p> <p>b. Review all DRC informational brochures, booklets and flyers to ensure the information is accurate and up to date. Make corrections as needed.</p>
<p>3. Increased outreach and direct advocacy to veterans, particularly veterans returning from combat with traumatic brain injuries. Continue to reach out to the Veterans Hospital at White River Junction, and engage in outreach at the Veterans Hospital in Manchester and with at least two veterans groups</p>	<p>Due to limited resources, DRC is not planning to conduct outreach to targeted veterans groups unless requested.</p>
<p>4. Marketing campaign and ongoing effort to increase DRC's visibility generally throughout NH, but particularly in minority communities and parts of the state in which our data shows disproportionately few intakes.</p>	<p>a. Write at least 1 op ed or letter to the editor on issues impacting people with disabilities. (All grants as appropriate)</p> <p>b. Conduct at least 3 outreaches to underserved groups. (All grants as appropriate)</p> <p>c. Conduct at least 2 outreaches in underserved areas of the state. (All grants as appropriate)</p>

	<p>d. Publish at least 5 issues of DRC’s e-newsletter. (All grants as appropriate)</p> <p>e. Distribute DRC pamphlets on the DRC website, by request and at events across the state. (All grants as appropriate)</p>
<p>5. Continue to disseminate user-friendly information pamphlets informing individuals of their rights relative to MH system and services and promote choice and control for people with mental illness.</p>	<p>a. Educate people with mental illness about their rights and available services via outreach at peer support centers. (PAIM- 2)</p> <p>b. Educate people with mental illness about their rights and available services Via articles in DRC e-newsletter. (PAIMI -2)</p>

Committee Work

DRC staff serve on committees to further the priorities outlined above in collaboration with advocacy organizations, state officials and others. Disability Rights Center serves on the following committees.

- DD Council and DD Council Policy Committee (SP) – PADD
- State Rehabilitation Council (CL) – PABSS
- The Commission on Deafness and Hearing Loss (JFW)– PAIR
- Advocate NH (JFW)- PADD
- Advisor to People First (JFW)– PADD
- NH Health and Equity Partnership (JFW) – IMPACT1
- Medical Care Advisory Committee (MCAC) (CR) - IMPACT 1
- Elder Rights Coalition (ERC) (CR) - IMPACT 1
- Long Term Care Ombudsman Advisory Council (LTCOA) (CR) – OTHER
- SB 553 Commission (CR) - IMPACT 1
- State Advisory Committee on the Education of Students/Children with Disabilities (KR) – IMPACT1
- Brain Injury Association of New Hampshire’s Provider Council (KR) – PATBI
- NH HCBS Waiver Settings Transition Project Advisory Task Force (KR) – PADD, PATBI
- Conflict of Interest Case Management Advisory Group (SP) – PADD
- Institute on Disability Director Search Committee (SP) - PADD

Committees may be added throughout the year as opportunities arise.

Sources of Funding

DRC is funded via grants, contracts and donations. Most of our funding comes from seven federal grants:

- Protection and Advocacy for Persons with Developmental Disabilities (PADD) - PADD is funded by the U.S. Department of Health and Human Services, Administration on Developmental Disabilities. A developmental disability is a physical or mental impairment that is life-long and severely limits a person's ability to function independently. As the title implies, individuals with developmental disabilities of any age are eligible for legal information or advocacy from the DRC. See Developmental Disabilities Assistance and Bill of Rights Act of 2000. DRC's authority includes access to facilities to conduct monitoring activities, including site visits and speaking with residents of the facility.
- Protection and Advocacy for Individuals with Mental Illness (PAIMI) - PAIMI is also funded by the U.S. Department of Health and Human Services. Individuals eligible under PAIMI include children and adults who have been determined to be mentally ill or emotionally disturbed and have experienced, or are at risk for, abuse, neglect or civil rights violations. DRC's authority includes access to facilities to conduct monitoring activities, including site visits and speaking with residents of the facility.
- Protection and Advocacy for Individual Rights (PAIR) – PAIR is funded by the Rehabilitative Services Administration of the U.S. Department of Education. Individuals assisted under PAIR are those who are not eligible under either PADD or PAIMI or the Client Assistance Program administered by the Governor's Commission on Disability.
- Protection and Advocacy for Assistive Technology (PAAT) – PAAT is funded by the U.S. Department of Health and Human Services, Administration for Community Living. Individuals assisted under PAAT are children and adults who have difficulty accessing assistive technology devices or services.
- Protection and Advocacy for Beneficiaries of Social Security (PABSS) - PABSS is funded by the Social Security Administration. Individuals assisted under PABSS must receive either SSI (Supplemental Security Income) or SSDI (Social Security Disability Insurance) and want to obtain, retain or regain employment. Eligible individuals may include students transitioning from school to work, clients of area agencies and mental health centers, or other persons with disabilities who have issues related to obtaining work or keeping their job.
- Protection and Advocacy for Persons with Traumatic Brain Injury (PATBI) – PATBI began in September 2002. Funded by the U.S. Department of Health and Human Services, Administration for Community Living, it provides services for persons with brain injury, including information and referral, individual assistance in self-advocacy, formal legal representation, and policy initiatives.

- Protection and Advocacy for Voting Access (PAVA) - PAVA was enacted as part of the Help America Vote Act of 2002. It is funded by the U.S. Department of Health and Human Services. Eligible individuals are any persons with disabilities who have registration or voting access issues. The purpose of the program is to ensure full participation in the electoral process for individuals with disabilities, including registering or casting a vote, and accessing polling places.
- Interest on Lawyers Trust Accounts Program (IOLTA) – DRC receives funding from the IOLTA program of the NH Bar Foundation, established by the New Hampshire Supreme Court via Rule 50 in 1982. Through IOLTA, interest earned on lawyers' trust accounts that are either too nominal or held for too short a time period to warrant establishment of a separate client account, is forwarded to the New Hampshire Bar Foundation to be used for charitable purposes. IOLTA grants fund nonprofit organizations that provide free or reduced-fee civil legal services to our most disadvantaged residents, and/or educational programs about the law and the courts. More information on the IOLTA program is available at https://www.nhbarfoundation.org/Interest_On_Trust_Accounts.php.
- Contracts and Unrestricted – A small portion of DRC's work is funded via contracts with private non-profits, foundations and via individual donations. These funds are used to support DRC's work on behalf of people with disabilities in a variety of ways including supplementing and enhancing our work under our federal grants, engaging in innovative projects, legislative/regulatory advocacy and fundraising.

Summary of Changes from FY 2017 Plan

Removed all priorities related to committee work.

III Rights Protection in Institutions

3. Remove reference to Lakeview Neurological Rehabilitation facility as it is now closed.

IV Healthcare and Community Based Services

4. Removed the priority, "Promote choice and control by MH consumers" from this section and incorporated it into Section VII, Outreach, Training and Self Advocacy.

5. Promote provision of quality services and compliance with Amanda D. – Combine with priority 1 which also addresses the Amanda D settlement

6. Continue to disseminate user-friendly information pamphlets informing individuals of their rights relative to MH system and services. – Move to outreach priority

7. Provide training to consumers and other stakeholders on how to exercise their rights relative to the MH system and services. – Moved to outreach priority

With regard to individuals unjustly restricted, institutionalized (e.g. SPU, NHH, DRF) or labeled as risk/forensic cases by AA system. – Removed this priority as it is duplicative.

V Education

3. Handle approximately 10-20 brief service and 3-6 full representation cases each year. – Removed from priorities as this is an objective.

Ensure students with disabilities can access educational services. – Added this priority as there was no general educational priority and DRC is currently working in this area.

VI. Employment

3. Carry out responsibilities under the PABSS grant. – Removed. DRC must carry out its responsibilities under all grants.