



Disability Rights Center
Statement of Goals and Priorities
October 1, 2018 – September 30, 2019

Table of Contents

1	Introduction	<u>3</u>
2	PAIMI (Protection and Advocacy for Individuals with Mental Illness)	<u>4</u>
3	PADD (Protection and Advocacy for Individuals with Developmental Disabilities)	<u>7</u>
4	PAIR (Protection and Advocacy for Individual Rights)	<u>10</u>
5	PATBI (Protection and Advocacy for Individuals with Traumatic Brain Injuries)	<u>12</u>
6	PABSS (Protection and Advocacy for Beneficiaries of Social Security)	<u>14</u>
7	PABRP (Protection and Advocacy for Beneficiaries with Representative Payees)	<u>16</u>
8	PAAT (Protection and Advocacy for Assistive Technology)	<u>17</u>
9	PAVA (Protection and Advocacy for Voting Access)	<u>18</u>
10	Exclusions	<u>19</u>

1 INTRODUCTION

Disability Rights Center – NH is dedicated to eliminating barriers faced by people with disabilities as they exercise their civil and legal rights. This year, we provided legal advice or representation to almost 600 people with disabilities across the state in areas like special education, accessibility, employment discrimination, home and community-based services and Medicaid.

We also work on systemic issues via litigation, investigations, monitoring and other policy change efforts, which are all focused on improving the lives of people with disabilities across New Hampshire.

However, each year, we face difficult decisions on how to allocate limited resources to address the most critical issues facing people with disabilities across the state.

All callers to DRC-NH with disability-related issues that fall within DRC-NH's broad priorities have access to an attorney for consultation and referral during an initial meeting via telephone or in person, but further legal help is often limited.

Case Acceptance Guidelines

In accepting cases for representation, DRC-NH will consider the following guidelines:

- Does the individual meet eligibility criteria?
- Does the case have legal merit?
- Do we have the capacity, funding and expertise to provide quality representation?
- Does the case fit within our priorities?
- What is the likelihood that our advocacy would make a positive difference to people with disabilities?
- Would our advocacy result in services being provided in a more integrated setting?

Below is a draft of our priorities for FY 2019 (October 1, 2018 – September 30, 2019). We welcome your feedback. To share your comments, call us 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.

2 PAIMI (PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS)

DRC-NH receives PAIMI funds to serve adults and children with significant mental illnesses or emotional impairments, as determined by a mental health professional qualified under the laws and regulations of the State. DRC-NH helps with disability related legal issues in the priority areas outlined below:

Monitor the care of people with mental illness in institutions.

- Sununu Youth Services Center
- Secure Psychiatric Unit
- Glencliff Home
- New Hampshire Hospital

Investigate significant abuse or death of an individual with mental illness in one or more of these facilities:

- NH State Prison, including the Residential Treatment Unit and Secure Psychiatric Unit
- Sununu Youth Services Center
- Other facilities as needed

Monitor implementation of Amanda D v. Hassan.

- Individual representation regarding access to services as defined in the Community Mental Health Agreement
- Mediation or Legal Action to Enforce Settlement Agreement
- Monitoring of transitions out of Glencliff Home and NH Hospital

Protect DRC-NH's access authority whenever it is in question.

- DRC-NH v. Hanks, et al

Provide counseling and advice to eligible people with significant mental illness with problems in the broad areas outlined below:

- Conditions in NH's emergency rooms or institutions
- Ensure adults with disabilities can access supports and services in their homes and communities
- Ensure communities and services are accessible to people with disabilities
- Ensure children with disabilities can access appropriate supports in their least restrictive environment in schools and in the community
- Ensure people with significant mental illness can access employment
- Ensure people with significant mental illness are not discriminated against in housing

Provide limited or full representation to eligible people with mental illness in the following areas:

- Access to services as outlined in the Community Mental Health Agreement
- Access to appropriate mental health treatment for prisoners or patients with significant mental illness who are at risk of suicide
- Exclusions from school

- Restraint and seclusion in school

In accepting cases for limited or full representation, DRC-NH will consider the following:

- *Does the individual meet eligibility criteria?*
- *Does the case have legal merit?*
- *Do we have the capacity, funding and expertise to provide quality representation?*
- *Does the case fit within our priorities?*
- *What is the likelihood that our advocacy would make a positive difference to people with disabilities?*
- *Would our advocacy result in services being provided in a more integrated setting?*

Ensure policy makers are aware of the impact of laws and regulations on the rights of and issues impacting people with mental illness. Major areas of concern include:

- Impact of long-term commitments and conditional discharges
- Barriers to housing
- Services as outlined in the Amanda D v. Hassan settlement agreement
- Services to individuals in the Secure Psychiatric Unit and state prison
- Competency to stand trial
- School discipline
- Juvenile justice
- Access to services for children with mental illness
- Restraint and seclusion, particularly its use on children in schools and facilities
- Medicaid rates

Ensure the PAIMI Advisory Council provides input into DRC-NH's work on behalf of people with mental illness.

Communicate to people with mental illness, family members and others regarding the rights of and issues impacting people with mental illness.

- Conduct outreach and training with priority given to::
 - Involving Amanda D v. Hassan class members
 - Assisting DRC-NH to reach underserved groups and communities across the state
 - Events in the North Country
- Communicate via DRC-NH e-news, RAP Sheet, social and traditional media, website, brochures and other written materials. Priority will be given to the development of written materials in areas where we are not providing representation.

Ensure DRC-NH collaborates with other groups and organizations on the rights of and issues impacting people with mental illness via committee work.

- Children's Behavioral Health Collaborative
- NH Bar Association – Mental and Physical Disabilities Law Section
- Access to Justice
- Elder Rights Coalition
- Medical Care Advisory Committee

- Long Term Care Advisory committee
- National Association of States United for Aging and Disabilities
- Incapacitated and Vulnerable Adult Fatality Review Commission

3 PADD (PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES)

DRC-NH receives PADD funds to serve adults and children with developmental disabilities. DRC-NH helps with disability related legal issues in the priority areas outlined below.

Monitor the care of people with developmental disabilities in institutions.

- a. Easter Seals – Zachary Road
- b. Crotched Mountain

Protect DRC-NH’s access authority whenever it is in question.

Provide counseling and advice to eligible people with developmental disabilities with problems in the broad areas outlined below:

- Ensure people with disabilities are safe from abuse or neglect
- Ensure children and adults with disabilities can access supports and services in their homes, schools and communities
- Ensure communities and services are accessible to people with disabilities
- Ensure children with disabilities can access appropriate supports in their least restrictive environment in schools and in the community
- Ensure people with developmental disabilities can access employment
- Ensure people with developmental disabilities are not discriminated against in housing
- Ensure access to appropriate area agency services for individuals on the waiting list
- Ensure access to area agency services in home and community based settings
- Ensure access to services for children ages 0-3
- Ensure access to applied behavior analysis for children for whom it is medically necessary
- Ensure individuals with disabilities have a choice of case manager/service coordinator
- Evaluate reductions in or terminations of Medicaid services without proper notice

Provide limited or full representation to eligible people with developmental disabilities in the following areas:

- Improper use of risk assessments resulting in denials of services and/or overly restrictive service settings
- Access to area agency services for individuals with developmental disabilities aged 18-21
- Access to home and community based services for individuals currently in out-of-state institutions, or institutions within NH, or who are at risk of an institutional placement
- Exclusions, suspensions, or expulsions of children with disabilities from school
- Restraint and seclusion in school
- Egregious violations of rights in area agency services after informal efforts to resolve the problem have been unsuccessful

In accepting cases for limited or full representation, DRC-NH will consider the following:

- *Does the individual meet eligibility criteria?*
- *Does the case have legal merit?*

- *Do we have the capacity, funding and expertise to provide quality representation?*
- *Does the case fit within our priorities?*
- *What is the likelihood that our advocacy would make a positive difference to people with disabilities?*
- *Would our advocacy result in services being provided in a more integrated setting?*

Ensure policy makers are aware of the impact of laws and regulations on the rights of and issues impacting people with developmental disabilities.

- Eligibility for area agency services
- Waitlist and other funding issues
- School discipline
- Juvenile justice
- Restraint and seclusion, particularly its use on children in schools and facilities
- Medicaid rates

Communicate to people with developmental disabilities, family members and others regarding the rights of and issues impacting people with developmental disabilities.

- Conduct outreach and training with priority given to:
 - Empowering people with developmental disabilities to advocate for themselves
 - Assisting DRC-NH to reach underserved groups and communities
 - In the North Country
- Communicate via DRC-NH e-news, RAP Sheet, social and traditional media, website, brochures and other written materials. Priority will be given to the development of written materials in areas where we are not providing representation.

Support self advocacy efforts.

- Advocate NH
- People First of NH
- ABLE NH

Ensure DRC-NH collaborates with other groups and organizations on the rights of and issues impacting people with developmental disabilities via committee work.

- Quality Council
- NH Council on Developmental Disabilities
- State Advisory Committee on the Education of Students/Children with Disabilities
- NH Bar Association – Mental and Physical Disabilities Law Section
- Access to Justice
- Elder Rights Coalition
- Medical Care Advisory Committee
- Long Term Care Advisory Committee
- National Association of States United for Aging and Disabilities
- Incapacitated and Vulnerable Adult Fatality Review Commission
- ABLE NH
- HCBS Waiver Settings Advisory Task Force

•

4 PAIR (PROTECTION AND ADVOCACY FOR INDIVIDUAL RIGHTS)

DRC-NH receives PAIR funds to serve people with disabilities who are not eligible for the PAIMI (mental health) or PADD (developmental disability) programs.

Protect DRC-NH's access authority whenever it is in question.

Provide counseling and advice to eligible people with disabilities with problems in the broad areas outlined below:

- Ensure people with disabilities are safe from abuse and neglect
- Ensure people with disabilities can access supports and services in their homes and communities
- Ensure communities and services are accessible to people with disabilities
- Ensure children with disabilities can access appropriate supports in their least restrictive environment in schools and in the community
- Ensure people with disabilities can access employment
- Ensure people with disabilities are not discriminated against in housing
- Ensure individuals with disabilities have a choice of case manager/service coordinator
- Address reductions in or terminations of Medicaid services without proper notice

Provide limited or full representation to eligible people with disabilities in the following areas:

- Illegal discharges from nursing homes
- Denials of or delays in accessing services via the CFI waiver
- Egregious violations of rights regarding the CFI waiver after informal efforts to resolve the problem have been unsuccessful
- Denials of effective interpreter services
- Exclusions from school of children with disabilities
- Restraint and seclusion in school

In accepting cases for limited or full representation, DRC-NH will consider the following:

- *Does the individual meet eligibility criteria?*
- *Does the case have legal merit?*
- *Do we have the capacity, funding and expertise to provide quality representation?*
- *Does the case fit within our priorities?*
- *What is the likelihood that our advocacy would make a positive difference to people with disabilities?*
- *Would our advocacy result in services being provided in a more integrated setting?*

Ensure policy makers are aware of the impact of laws and regulations on the rights of and issues impacting people with disabilities.

- Educate on the impact of proposed legislation on people with disabilities in NH as resources allow.
- Educate on the impact of proposed regulations on people with disabilities in NH as resources allow.

Conduct outreach and training to people with disabilities, family members and others regarding the rights of and issues impacting people with disabilities.

- Conduct outreach and training with priority given to:
 - Empowering people with developmental disabilities to advocate for themselves
 - Assisting DRC-NH to reach underserved groups and communities
 - Training and outreach focused on the North Country
- Communicate via DRC-NH e-news, RAP Sheet, social and traditional media, website, brochures and other written materials. Priority will be given to the development of written materials in areas where we are not providing representation.

Ensure DRC-NH collaborates with other groups and organizations on the rights of and issues impacting people with disabilities via committee work.

- National Association of States United for Aging and Disabilities
- Long Term Care Advisory Committee
- NH Commission on Deafness and Hearing Loss
- Medical Care Advisory Committee
- NH Bar Association - Mental and Physical Disabilities Law Section
- Access to Justice
- Elder Rights Coalition
- Incapacitated and Vulnerable Adult Fatality Review Commission

5 PATBI (PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES)

DRC-NH receives PATBI funds to serve people with traumatic brain injuries.

Provide counseling and advice to eligible people with traumatic brain injuries with problems in the broad areas outlined below:

- Ensure people with traumatic brain injuries are safe from abuse or neglect
- Ensure children and adults with traumatic brain injuries can access supports and services in their homes and communities
- Ensure access to area agency services in home and community based settings
- Ensure communities and services are accessible to people with traumatic brain injuries
- Ensure children with traumatic brain injuries can access appropriate supports in their least restrictive environment in schools and in the community
- Ensure people with traumatic brain injuries can access employment
- Ensure people with traumatic brain injuries are not discriminated against in housing
- Ensure access to appropriate area agency services for individuals with traumatic brain injuries
- Ensure access to services for children ages 0-3
- Ensure individuals with traumatic brain injuries have a choice of case manager/service coordinator
- Address reductions in or terminations of Medicaid services without proper notice

Provide limited or full representation to eligible people with traumatic brain injuries in the following areas:

- Improper use of risk assessments resulting in denials of services and/or overly restrictive service settings
- Access to area agency services for individuals with traumatic brain injuries aged 18-21
- Access to home and community based services for individuals currently in out-of-state institutions, or institutions within NH, or who are at risk of an institutional placement
- Exclusions, suspensions or expulsions from school of children with traumatic brain injuries
- Restraint and seclusion in school
- Egregious violations of rights in area agency services after informal efforts to resolve the problem have been unsuccessful

In accepting cases for limited or full representation, DRC-NH will consider the following:

- *Does the individual meet eligibility criteria?*
- *Does the case have legal merit?*
- *Do we have the capacity, funding and expertise to provide quality representation?*
- *Does the case fit within our priorities?*
- *What is the likelihood that our advocacy would make a positive difference to people with disabilities?*
- *Would our advocacy result in services being provided in a more integrated setting?*

Ensure policy makers are aware of the impact of laws and regulations on the rights of and issues impacting people with traumatic brain injuries.

- Eligibility for area agency services
- Waitlist and other funding issues
- School discipline
- Juvenile justice
- Restraint and seclusion, particularly its use on children in schools and facilities
- Medicaid rates

Communicate to people with traumatic brain injuries, family members and others regarding the rights of and issues impacting people with traumatic brain injuries.

- Conduct outreach and training with priority given to:
 - Empowering people with developmental disabilities to advocate for themselves
 - Assisting DRC-NH to reach underserved groups and communities
 - Training and outreach focused on the North Country
- Communicate via DRC-NH e-news, RAP Sheet, social and traditional media, website, brochures and other written materials. Priority will be given to the development of written materials in areas where we are not providing representation.

Ensure DRC-NH collaborates with other groups and organizations on the rights of and issues impacting people with traumatic brain injuries via committee work.

- Incapacitated and Vulnerable Adult Fatality Review Commission
- Long Term Care Advisory Committee
- Quality Council
- Elder Rights Coalition
- NH Bar Association - Mental and Physical Disabilities Law Section
- ABLE NH
- NH Brain Injury Association Provider Council

6 PABSS (PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY)

DRC-NH receives PABSS funding to assist beneficiaries of social security with barriers to employment.

Provide counseling and advice to beneficiaries of social security with barriers to employment.

Provide limited or full representation to beneficiaries of social security with disabilities regarding barriers to employment. Below are examples of the types of cases DRC-NH will consider:

- Access to transition services related to employment
- Employment discrimination
- Access to supported employment services from community mental health centers
- Access to supported employment services from area agencies
- Access to vocational rehabilitation services
- Egregious violations of rights in other employment areas after informal efforts to resolve the problem have been unsuccessful

In accepting cases for limited or full representation, DRC-NH will consider the following:

- *Does the individual meet eligibility criteria?*
- *Does the case have legal merit?*
- *Do we have the capacity, funding and expertise to provide quality representation?*
- *Does the case fit within our priorities?*
- *What is the likelihood that our advocacy would make a positive difference to people with disabilities?*
- *Would our advocacy result in services being provided in a more integrated setting?*

Ensure policy makers are aware of the impact of laws and regulations on the employment rights of and issues impacting beneficiaries of social security.

- Educate on the impact of proposed legislation on the employment rights of and issues impacting beneficiaries of social security in NH as resources allow.
- Educate on the impact of proposed regulations on the employment rights of and issues impacting beneficiaries of social security in NH as resources allow.

Communicate to people with disabilities, family members and others regarding access to employment.

- Conduct outreach and training with priority given to:
 - Empowering people with developmental disabilities to advocate for themselves
 - Assisting DRC-NH to reach underserved groups and communities
 - Training and outreach focused on the North Country
- Communicate via DRC-NH e-news, RAP Sheet, social and traditional media, website, brochures and other written materials. Priority will be given to the development of written materials in areas where we are not providing representation.

Ensure DRC-NH collaborates with other groups and organizations on employment rights and issues impacting people with disabilities via committee work.

- State Rehabilitation Council
- Long Term Care Advisory Committee
- National Association of States United for Aging and Disabilities
- Elder Rights Coalition
- Access to Justice
- NH Bar Association - Mental and Physical Disabilities Law Section
- Medical Care Advisory Committee

7 PABRP (PROTECTION AND ADVOCACY FOR BENEFICIARIES WITH REPRESENTATIVE PAYEES)

DRC-NH receives PABRP funding to review agency or individual representative payees of Social Security Beneficiaries and advocate as needed.

Complete reviews of Representative Payees on behalf of the Social Security Administration as outlined in the Business Process Document. DRC-NH's scope of work will include reviews of:

- Individual Payees
- Organizational Payees
- Fee-for-Service Organizations
- State Mental Institutions
- Quick Response Check – Misuse Not Alleged
- Quick Response Check – Misuse Alleged
- Protection & Advocacy Initiated Reviews

Conduct required educational visits.

Assist with the development and assessment of plans of correction, as assigned.

Provide training to Representative Payees.

Provide legal advocacy or other assistance to Representative Payees as resources allow.

8 PAAT (PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY)

DRC-NH receives PAAT funding to help people with disabilities access assistive technology and related services.

Provide counseling and advice to people with disabilities regarding assistive technology.

Provide limited or full representation people with disabilities regarding assistive technology legal issues. Below are examples of the types of cases DRC-NH will consider:

- Access to Communication Access Realtime Translation (CART) services
- Access to ramps and other equipment to improve accessibility
- Access to assistive technology for people with disabilities in prisons and jails
- Access to assistive technology in schools
- Access to assistive technology in employment
- Access to assistive augmentative communication devices and software (AAC)

In accepting cases for limited or full representation, DRC-NH will consider the following:

- *Does the individual meet eligibility criteria?*
- *Does the case have legal merit?*
- *Do we have the capacity, funding and expertise to provide quality representation?*
- *Does the case fit within our priorities?*
- *What is the likelihood that our advocacy would make a positive difference to people with disabilities?*
- *Would our advocacy result in services being provided in a more integrated setting?*

Communicate to people with disabilities, family members and others regarding their rights to access assistive technology

- Conduct outreach and training with priority given to:
 - Empowering people with developmental disabilities to advocate for themselves
 - Assisting DRC-NH to reach underserved groups and communities
 - Training and outreach focused on the North Country
- Communicate via DRC-NH e-news, RAP Sheet, social and traditional media, website, brochures and other written materials. Priority will be given to the development of written materials in areas where we are not providing representation.

Ensure DRC-NH collaborates with other groups and organizations on assistive technology issues impacting people via committee work.

- Long Term Care Advisory Committee
- Access to Justice
- Elder Rights Coalition
- ABLE NH
- NH Bar Association - Mental and Physical Disabilities Law Section

9 PAVA (PROTECTION AND ADVOCACY FOR VOTING ACCESS)

DRC-NH receives PAVA funding to help people with disabilities to vote more independently and privately. This grant also funds training for people with disabilities, providers, family members and election officials regarding the voting rights of people with disabilities.

Below are examples of the types of activities DRC-NH will pursue:

- Provide individual counseling and advice to people with disabilities regarding voting rights.
- Educate voters with disabilities, family members, advocates and providers about voting rights of people with disabilities.
- Train municipal attorneys, election officials, town moderators and others about the voting rights of people with disabilities and their obligations to make voting accessible.
- Advocate for the use of accessible voting technology by people with disabilities and advocates across New Hampshire.
- Conduct outreach, including demonstration of the accessible voting machines, throughout NH.
- Survey candidates in state or federal elections regarding issues that are important to people with disabilities. Share the results of the surveys in non-partisan ways to educate voters with disabilities.
- Partner with disability groups across the state to raise awareness of elections, increase participation of people with disabilities and address identified barriers to participation.
- Ensure NH's laws and policies promote the rights of people with disabilities to vote.
- Ensure people with disabilities can fully participate in the legislative process.

DRC-NH will collaborate with other groups and organizations on voting rights and voting issues impacting people with disabilities via committee work.

- Granite State Independent Living
- NH Bar Association - Bar Sections
- Access to Justice
- ABLE NH
- NH Council on Developmental Disabilities
- NAMI NH
- State Council on Aging

Note: PAVA funding cannot be used for litigation.

10 EXCLUSIONS

DRC-NH does not provide legal advice or representation to people with disabilities in the following areas. In these cases, the DRC-NH 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-NH is appointed to represent the individual with the disability
- Involuntary Emergency Admissions (IEA)
- 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-NH 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.