Chapter RSA 171-A

Did you know that back in 1975, the NH State Legislature passed a law that established the service system for individuals with developmental disabilities? This law is known as RSA 171-A and lays the groundwork for the system, which we know today. In this time of great change in New Hampshire, including the adoption of Medicaid Managed Care, it is vital that families familiarize themselves with the law, which forms the foundation on which everything else has been built.

The purpose of this law is to enable the Department of Health and Human Services (DHHS) to establish, maintain, implement and coordinate a comprehensive service delivery system for people who experience developmental disabilities.

The law is important, because it includes *Service Guarantees* in which people who experience developmental disabilities in New Hampshire are entitled to access. The broad categories of services are over and above the generally understood category of *"medical necessity"* as it is used in the realm of acute medical care. Service guarantees extend into the areas of daily living, community access, habilitation, rights and more.

Key sections of the law are as follows:

IX. "Habilitation" means the process by which program personnel assist clients to acquire and **maintain** those life skills which enable them to cope more effectively with the demands of their own persons and of their environment, to be economically self-sufficient and to raise the level of their physical, mental and social efficiency. **Habilitation includes but is not limited to** programs of formal, structured, education, and **treatment.**

XVI. "Service delivery system" means a comprehensive array of services for the diagnosis, evaluation, **habilitation** and rehabilitation of developmentally disabled persons, **including but not limited to**, service coordination, community living arrangements, employment and day services and supports to families of individuals with developmental disabilities.

XVII. "Treatment" means the **prevention**, **amelioration and improvement of a client's disabilities and illnesses.**

<u>Under Section 171-A:13, the State offers the following guarantees:</u>

Service Guarantees. – *Every developmentally disabled client has a right to adequate and humane habilitation and treatment including such psychological**, medical***, *vocational, social, educational or rehabilitative services as his/her condition requires to bring about an improvement in condition* **within the limits of modern knowledge***.*

Under this current law, Commercial Managed Care Organizations (MCOs) cannot deny treatments, therapies, etc. that help people who experience disabilities to have an improved life experience, be more comfortable, prevent a worsening of their condition, or to help them have an easier time in the community. The criterion is *"within the limits of modern knowledge"*, not the MCOs often narrow definitions of "medical necessity".

This law is a tool for you, your family and your medical providers to use when faced with denials of treatments, therapies, etc. by the Managed Care companies. Denials for many things like physical, occupational and speech therapies that people with disabilities rely on to live good lives are often out of compliance with the law.

Know the law. Know your rights. Appeal when you believe a service has been denied improperly. And when unsuccessful, notify the Disability Rights Center for assistance in filing an appeal or a grievance.

*Contact the Disability Rights Center (DRC) with questions and/or concerns about RSA 171-A and/or MCO denials at (603) 228-0432 or visit www.**drcnh**.org.*