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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LEGAL AND REGULATORY SERVICES
HEALTH FACILITIES LICENSING AND CERTIFICATION

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December 1, 2021

Scott Logan
Social Security Administration
Office of Income Security Programs
Keys Section
2518 Robert M. Ball Building
6401 Security Boulevard
Baltimore, MD 21235

Re: Fiscal Year 2022 Keys Certification Letter

Dear Mr. Logan,

I am writing in my capacity as Manager of the New Hampshire Department of Health and Human Services, Bureau of Licensing and Certification. This Bureau is comprised of several licensing units, including the Health Facility Licensing Unit and the Community Residence Certification Unit. I am writing in response to your letter dated October 1, 2021 requesting submission of a Keys Certification.

The Health Facility Licensing Unit inspects and licenses or certifies a variety of residential settings that offer an alternative to institutional living for the elderly and individuals with disabilities. These facilities are regulated through different statutory and administrative rules. These include:

- Certified Community Residences serving up to three individuals with developmental disabilities, mental illness, or acquired brain disorder. These residences are certified and inspected under RSA 126-A, NH Administrative Rule He-M 1001, and NH Administrative Rule He-M 1002.
- Licensed Community Residences serving four or more individuals with developmental disabilities, mental illness, or acquired brain disorder. These residences are licensed and inspected under RSA 151 and NH Administrative Rule He-P 814.
- Resident Care Facilities providing residential care. These are licensed and inspected under RSA 151 and NH Administrative Rule He-P 804.
- Supported Residential Health Care Facilities providing supported residential health care. These are licensed and inspected under RSA 151 and NH Administrative Rule He-P 805.

- **Adult Family Care Residences.** These are licensed under RSA 151 and NH Administrative Rule He-P 813

The Health Facility Licensing Unit currently employs one Clinical Licensing Supervisor as well as four full time Licensing and Evaluation Coordinators who conduct clinical inspections of the Residential and Supported Residential Health Care Facilities. In addition, the Health Facility Licensing Unit employs two full time Life Safety Code Inspectors who conduct Life Safety Code inspections of Residential and Supported Residential Health care Facilities, Licensed Community Residences, and Adult Family Care Residences. Each Residential and Supported Resident Health Care Facility, Licensed Community Residence, and Adult Family care Residence undergoes at least two annual unannounced on-site surveys, one clinical and one Life Safety, to ensure that these facilities are in compliance with the applicable state statute, state licensing and/or certification rule, and state and local fire code. The Community Residence Certification Unit currently employs a supervisor, four full time and one part time Licensing and Evaluation Coordinators. These Licensing and Evaluation Coordinators conduct annual inspections of the certified Community residences, licensed Community Residences, and the Adult Family Care Residences. The Health Facilities Licensing Unit also investigates complaints that allege a violation of the applicable statute or administrative rule. Complaints relative to certified Community Residences are not investigated by the Bureau. Rather, they are investigated by the New Hampshire Department of Health and Human Services, Bureau of Developmental Disabilities.

Each residence or facility undergoes an inspection before a certification or license is issued. Licensed facilities undergo two on-site inspections, one clinical and one life safety. Licenses must be renewed annually. Community Residence certifications are valid for either one year or two years depending upon the number of deficiencies cited during the course of the inspection. If deficiencies are cited during the course of an inspection or complaint investigation, a deficiency report is issued and the residence or facility is required to submit Plan of Correction (POC) indicating what corrective action it plans to take to remedy the deficiency. Failure to submit an acceptable POC, failure to implement corrective action pursuant to an accepted POC, or failure to maintain the implementation of corrective action constitute grounds for enforcement action. Such enforcement action could entail the issuance of a directed POC, imposition of an administrative fine, or suspension or revocation of certification or license. Deficiency reports are public documents that are uploaded to our website and can be accessed and downloaded by the public.

The He-P series of administrative rules are updated regularly and available to the public on the Department of Health and Human Services website: <https://www.dhhs.nh.gov/oos/bhfa/rules.htm>. The He-M series of rules are also available on the State of New Hampshire website <https://www.dhhs.nh.gov/oos/bhfa/community-residences.htm>. These rules include enforcement procedures and waiver procedures.

Waivers must be requested in writing. For most licensing and certification categories, waivers are permanent unless the Department approves them for a specific period of time. Waiver for certified community residences are valid for up to five years, but not longer, unless an extension is requested and granted.

Currently, two licensed community residences are out of compliance; the Department and the licensee entered into a settlement agreement to bring the two facilities back in to compliance. All other

residences and facilities that have been issued deficiency reports have submitted acceptable Plans of Correction. Eight fines were imposed. All were paid and there are no fines under appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "D Shockley", with a long, sweeping horizontal stroke extending to the right.

Doreen Shockley
Bureau of Licensing and Certification