

**DISABILITY RIGHTS NEW MEXICO
PRIORITIES AND ANNUAL OBJECTIVES FY 2017
Effective October 1, 2016**

“[System]” designation indicates systemic advocacy and does not include individual casework

All individual client services are contingent upon sufficient staffing as well as other case-opening criteria set out in DRNM policies and procedures

Abuse / Neglect / Exploitation

Decrease the abuse, neglect and exploitation of people with disabilities by improving the practices of programs and facilities in congregate settings for people with disabilities and/or where there are significant allegations of abuse, neglect or exploitation.

A/N/E.1 [System] Provide outreach and conduct trainings in facilities serving persons with mental illness or developmental disabilities, with an emphasis on psychiatric hospitals, board and care homes and other congregate care settings, in order to inform individuals of their rights and of the availability of DRNM to investigate and resolve problems.

A/N/E.2 [System] Conduct at least quarterly monitoring of community-based programs serving persons with developmental disabilities pursuant to the Jackson case, for the purpose of identifying possible abuse or neglect and receiving potential complaints as well as to determine the quality and status of services provided.

A/N/E.3 Conduct investigations of alleged or suspected abuse or neglect where there appears to be a pattern or recurrence of significant abuse or neglect, where there has been a death or life-threatening injury, or where the alleged abuse or neglect is particularly egregious, and produce reports/recommendations as appropriate.

A/N/E.4 Pursue personal injury, wrongful death or serious civil rights violation litigation where there is a clear opportunity to improve the practices of a provider or public service agency, private co-counsel is available, and fees may be available.

Assistive Technology

Expand the provision and use of assistive technology necessary for people with disabilities.

AT.1 Assist people with disabilities to contest a denial of a requested evaluation for assistive technology, and to obtain necessary assistive technology devices and services, repair assistive technology devices, and/or to receive the training and support they need - or that their service providers need - in order to utilize the devices, through coverage from their health insurance, public schools or other available sources.

Brain Injury Services

Promote the expansion and implementation of services needed by individuals with brain injuries.

BI.1 Assist eligible individuals or applicants with brain injury who have been denied or terminated from appropriate community-based services, who face inappropriate modification/reduction in such services, or who face other barriers to accessing such services.

Community-based Services

Increase the number of individuals with disabilities who receive appropriate, high quality community-based services that enable them to live productively and independently in community settings.

C.1 [System and case services] Assist individuals in need of long term or other community-based services, including those who choose to self-direct services, who have been denied access to such services, or for whom the level of services offered or provided is grossly inadequate.

C.2 [System] Monitor the implementation of the settlement agreement reached in the Waldrop et al. v. New Mexico Human Services Department lawsuit, and pursue enforcement action if there are unresolved systemic non-compliance problems.

C.3 Provide technical assistance, self-advocacy assistance or limited advocacy for individuals facing substantial reduction or elimination of services based on implementation of the new service planning and budgeting system pursuant to the Waldrop settlement agreement, in order to assure that individuals have access to the full scope and amount of clinically justified services.

C.4 [System] Promote significant progress toward reducing the waiting list for DD waiver services through administrative, legislative, and/or other systemic strategies.

C.5 [System] Promote systemic improvements in the DD waiver program, with an emphasis on health/safety issues and the support of integrated employment opportunities and/or meaningful day activities, through the Jackson class action lawsuit.

C.6 Assist individuals in need of mental health services in cases where previously-provided services are now delayed, denied, or significantly reduced, or where the amount, duration or scope of services offered is clearly inadequate, and where there is a serious risk to the individual's health or safety, or a serious risk of hospitalization or placement in a residential treatment facility; and pursue systemic remedies as appropriate.

Employment and Vocational Rehabilitation

Advance the employment opportunities for people with disabilities by holding state vocational rehabilitation programs accountable and by reducing the barriers to retain, obtain, or return to work for Social Security beneficiaries.

EM.1 Ensure that eligible applicants or recipients are informed of and receive an appropriate range of individualized services from vocational rehabilitation and independent living programs.

EM.2 [System] Educate and empower transition-aged students and families regarding their rights under the Workforce Innovation and Opportunity Act (WIOA) by conducting workshops on transition planning for students 14-22 years of age who have 504 Plans or IEPs.

EM.3 [System] Monitor implementation of WIOA and the new federal WIOA regulations by the New Mexico Division of Vocational Rehabilitation and the New Mexico Commission for the Blind.

EM.4 Review/investigate complaints of Social Security beneficiaries who have experienced a denial, delay or barrier in obtaining services necessary to the success of their return to work or maintenance of work efforts.

EM.5 Assist individuals receiving SSI or SSDI based on their disability to resolve SSA overpayment issues when the overpayment was due to the negligence of the individual's Representative Payee or of a state or federal agency and not through the error or negligence of the beneficiary.

EM.6 Provide assistance to youth with disabilities who are 18 years of age or older where the transition plan or the transition process is inadequate or presents a barrier to employment.

Public Policy

Pursue and promote public policies and systemic changes in policies, statutes and regulations affecting individuals with disabilities.

P.1 [System] Develop and support a Policy and Legislative Action Network (PLAN) to provide information on public policy issues to individuals with disabilities, family members, advocates and others, and to encourage their involvement in public policy decision-making processes.

P.2 [System] Review and comment on proposed regulatory changes in Medicaid or other public programs that would have a significant effect on eligibility, benefits, or procedural protections for persons with disabilities.

P.3 [System] Administer and participate in the Disability Coalition to support collaborative public policy advocacy across multiple disability organizations.

Mental Health Services

Expand the rights of individuals to receive appropriate mental health services, both in residential and outpatient mental health facilities and programs.

MH.1 Provide assistance to persons in mental health facilities and programs to address alleged violations of their legal rights.

MH.2 [System] Monitor implementation of the Assisted Outpatient Treatment Act (SB 113, 2016 session) in New Mexico, and provide information and training related to the rights of respondents in such proceedings. Representation may be provided in a small number of cases as needed to achieve the objective.

MH.3 Advocate for residents of board and care homes with mental illness whose health and safety are at risk, and promote state oversight of such facilities.

MH.4 Advocate for comprehensive discharge and transition planning for those receiving mental health services in treatment facilities, including the opportunity to apply for or retain eligibility for Medicaid and receive timely and effective Care Coordination from the individual's Managed Care Organization.

MH.5 [System] Through the auspices of the Consent Decree in the *United States of America v. The City of Albuquerque*, and APD Forward, advocate for the rights of people with mental illness and other disabilities to be free from excessive use of force by the Albuquerque Police Department through participation in the advisory group established under this consent decree.

Self-Determination

Advance the rights of people with disabilities to have control over the decisions that affect their lives.

SD.1 [System] Promote participation in and equal access to elections by providing voter registration services, surveying polling places for accessibility, providing information and assistance on voting rights, and providing outreach and training on the rights of voters with disabilities, with a particular emphasis on voter education and registration for transition students who will be 18 years of age prior to the next election.

SD.2 Promote the right of individuals with disabilities to make their own decisions as much as possible, including the use of processes such as "Supportive Decision-Making". Where substitute decision-making is necessary, promote the least restrictive level and form. Provide assistance to protected persons with a Representative Payee or under guardianship, including treatment guardianship, where the Representative Payee or guardian appears to:

- be arbitrary or non-responsive to the reasonable preferences of the protected person,
- abuse their authority, or
- fail to meet their fiduciary responsibilities

Special Education

Increase the number of qualifying students with disabilities who benefit from appropriate special education services.

ED.1 [System] Educate and empower families and students regarding their special education rights by conducting special education clinics statewide, training volunteers to serve as resource persons, and by working with families and parent groups to file group complaints against school districts where there is a pattern of violating state or federal requirements.

ED.2 Advocate for students with IEPs or Section 504 plans that are clearly inadequate or whose substantial lack of implementation by their local school districts keeps the student from benefiting from education.

ED.3 Advocate for students who may be eligible for special education services but have been denied evaluations due to their placement in a prolonged SAT process, or who have been denied their right to a due process hearing after requesting an evaluation.

Access to Public Accommodations

Increase access by persons with disabilities to businesses providing public accommodations as required by Title III of the Americans with Disabilities Act.

PA.1 Pursue litigation on behalf of individuals or groups where there is an on-going violation of Title III of the ADA and an opportunity for systemic impact benefit to a significant number of persons with disabilities, when DRNM has the staff and other resources needed to pursue such cases.

Limited Assistance

Provide technical assistance, self-advocacy assistance, or limited individual advocacy assistance in areas of importance to people with disabilities that are not covered under other existing priorities.

LA.1 Provide technical assistance, self-advocacy assistance, or limited individual advocacy assistance to individuals with disabilities who need accommodations with respect to policies, rules or services in rental housing situations when such accommodations are denied.

LA.2 Provide technical assistance, self-advocacy assistance, or limited individual advocacy assistance to individuals with disabilities who are denied access to public places, including public accommodations, based on their use of a service animal (but not a companion or comfort animal).