

DISABILITY RIGHTS NEW MEXICO PRIORITIES AND ANNUAL OBJECTIVES FY2021

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

All 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, boarding 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.

A/N/E.5 [Monitoring/System] Conduct routine monitoring of facilities serving persons with disabilities for the purpose of identifying possible abuse or neglect, and compliance with respect to service recipient rights and safety.

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 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.

AT.2 [System] Educate and empower people with disabilities regarding their rights to receive assistive technology devices and services by conducting workshops, trainings and outreach activities.

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 injuries who have been denied or terminated from appropriate 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/Case] 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 inadequate through technical assistance, self-advocacy assistance, limited advocacy or full representation.

C.2 [System] Promote administrative, legislative, and/or other systemic strategies toward reducing the waiting list for DD waiver services. Monitor development and implementation of changes to the DD Waiver proposed by the State of New Mexico, including potential creation of a Supports Waiver and a tiered DD Waiver system.

C.3 [System] Promote systemic improvements in the DD waiver program through the Jackson class action lawsuit.

C.4 [System] Identify, develop and pursue as appropriate, systemic advocacy and/or litigation strategies to address inadequacies in the assessment and allocation of services in the Medicaid Community Benefit program.

Employment and Vocational Rehabilitation

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

EM.1 [System/Case] Advocate that eligible applicants or recipients are informed of and receive an appropriate range of individualized services from vocational rehabilitation and independent living programs, and monitor the use of Order of Selection and its impact on eligible applicants.

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 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, and provide direct advocacy as appropriate.

EM.4 Assist recipients of SSI or SSDI based on their disability who are working 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.5 Provide assistance to students or other youth with disabilities, from age 14 to 24, whose pre-employment transition plan or services are inadequate.

EM.6 [System/Case] Pursue advocacy or legal strategies to reduce or eliminate payment of sub-minimum wages to employees with disabilities.

Public Policy

Expand, support and utilize the capacity of DRNM as well as individuals and organizations in the disability community to influence public policies and systemic changes in policies, statutes and regulations affecting individuals with disabilities.

P.1 [System] Review and comment on proposed regulatory changes in Medicaid or other public programs that have a significant effect on eligibility, benefits, or procedural protections for persons with disabilities.

P.2 [System] Participate in the Disability Coalition to support collaborative public policy advocacy across multiple disability organizations.

P.3 [System]

Educate legislators and other policy makers about issues that impact the rights of people with disabilities.

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 [System/Case] Assist and advocate for individuals in need of mental health services in cases where services are delayed, denied, or significantly reduced, or where the amount, duration, or scope of services offered is clearly inadequate, and where there is serious risk to the individual's health or safety, or a serious risk of hospitalization or placement in a residential treatment facility, or when there appears to be a violation of an

individual's rights in a residential treatment facility; and pursue systemic remedies as appropriate.

MH.2 [System] Monitor implementation of the Assisted Outpatient Treatment Act in New Mexico, and provide information and training related to the rights of respondents in such proceedings.

MH.3 [System/Case] Monitor state oversight of boarding homes, and advocate for residents whose health or safety is at risk.

MH.4 [System] In conjunction with the Consent Decree in the *United States of America v. The City of Albuquerque*, 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 and through participation in the advocacy coalition "APD Forward".

MH.5 [System/Case] Within the *Kevin S.* case, advocate for the rights of children with disabilities in state custody to appropriate, individualized, accessible, adequate, and coordinated medical, mental health, and behavioral health services in safe and stable placements that are the least restrictive and appropriate to their needs from the Children, Youth and Families Department and the Human Services Department.

Self-Determination

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

SD.1 [System/Case] 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 Assist persons subject to guardianship, treatment guardianship, or the authority of a representative payee with preventing or terminating the substitute decision-making arrangement, or with achieving a less restrictive substitute decision-making arrangement, in cases where the person does not meet legal criteria for the existing arrangement based on her/his capacity, or where the substitute decision-maker appears to:

- Be non-responsive or act in an arbitrary manner to the reasonable preferences of the person,
- Abuse her/his authority, or
- Fail to fulfill fiduciary or other legal responsibilities.

S.D.3 [System/Case] Provide outreach, training, and technical assistance to individuals seeking to develop mental health advance directives, and engage in systemic advocacy to promote mental health advance directives and other supported decision-making models as less restrictive alternatives to substitute decision-making arrangements.

SD.4 Promote or provide oversight of Representative Payees for Social Security beneficiaries when the Payee is in a potential conflict situation, monitor the conditions of beneficiaries and address other Payee issues, with respect to Payees monitored by DRNM pursuant to requests from the Social Security Administration or as otherwise identified by DRNM.

Special Education:

Advocate for the delivery of a Free Appropriate Public Education (FAPE) for every student in New Mexico who qualifies for Special Education services or is entitled to a 504 Plan.

ED.1 [System] Educate and empower families and students regarding their special education rights by conducting special education clinics statewide, and provide training, support, and advocacy for family and parent groups seeking systemic improvements in their local school districts.

ED.2 Advocate for students with Individualized Education Plans (IEPs) or Section 504 Plans that are inadequate or whose substantial lack of implementation by their local school districts prevents the student from benefiting from education.

ED.3 Advocate for students who may be eligible for special education services or 504 Plans, but have been denied evaluations or when a requested evaluation has been unreasonably delayed.

ED.4 Advocate for students at Manifestation Determination Reviews (MDRs) and/or at disciplinary hearings such as Long-Term Suspension/Expulsion hearings.

ED.5 [System/Case] Advocate against the use of restraint, seclusion or law enforcement involvement as behavior interventions.

ED.6 [System] Collaborate with Juvenile Probation Officers, CYFD, and others such as juvenile prosecutors and judges, schools, local law enforcement agencies, School Resource Officers (SROs), etc. to reduce the overall number of referrals of students with disabilities to law enforcement.

ED.7 [System] In connection with the *Martinez* and *Yazzie vs. State of New Mexico* consolidated cases and related policy efforts, advocate for a greater number and higher quality of special education resources in New Mexico public schools, toward improved educational outcomes for students with disabilities, including readiness for college or a career.

Access & Rights

Reduce or eliminate barriers or discriminatory practices faced by people with disabilities.

AR.1 [System/Case] Advocate on behalf of individuals or groups where there is a violation of Title III of the ADA and an opportunity for systemic benefit to a significant

number of persons with disabilities, when DRNM has the staff and other resources needed to pursue such cases.

AR.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 (as defined under state law and the ADA).

AR.3 Assist people with disabilities to have access to and opportunities to rent or own homes and apartments in their communities, including advocacy for housing that is accessible to people with disabilities to the extent required by law.

AR.4 [System] Provide systemic advocacy to challenge housing discrimination, and to expand the amount of accessible, affordable, and integrated housing for individuals with physical or mental health disabilities.