

**DISABILITY RIGHTS NEW MEXICO
PRIORITIES AND ANNUAL OBJECTIVES FY 2019
Approved by the DRNM Board of Directors
September 28, 2018**

“**[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, 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.

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.

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.

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 litigation to address inadequacies in the assessment and allocation of services in the Centennial Care Community Benefit program.

C.5 [System] Monitor the implementation of Centennial Care 2.0, recommend best practices for implementation of Centennial Care 2.0 to the Human Services Department and contracted Managed Care Organizations, and provide information on the services and rights available to Centennial Care 2.0 participants.

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 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 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.4 Assist recipients of 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.5 Provide assistance to students or other youth with disabilities, from age 14 to 24, where pre-employment transition services, the transition plan or the transition process is inadequate or presents a barrier to employment.

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

EM.7 [System] Identify options for legislation providing incentives for businesses to hire persons with disabilities at competitive wages in integrated settings.

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] Continue to 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 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 [System/Case] Assist 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 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.

MH.2 [System/Case] 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. As contracted to do so, provide Assisted Outpatient Treatment Act respondents' representation.

MH.3 [System/Case] Advocate for residents of boarding homes with mental illness whose health and safety is at risk; develop and pursue legal, legislative, and/or administrative strategies to provide state oversight of such facilities.

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".

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 Where substitute decision-making is necessary; promote the least restrictive level and form. Provide assistance to persons subject to guardianship or to proceedings on a petition for guardianship, including treatment guardianship, and to persons with a Representative Payee, where the person does not need a guardian or Representative Payee, or where the guardian or Representative Payee 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.

SD.3 [System/Case] Pursue systemic reforms to decrease the need for adult guardianships, and that make court-ordered adult guardianships more responsive to the wishes of protected persons and provide greater protection of their civil rights, and that allow and promote less restrictive alternatives, including the use of processes such as “Supportive Decision-Making.”

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 assist beneficiaries as needed to change Payees or 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

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 mentors and/or 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 Individualized Educational Plans (IEP) 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 or 504 plans but have been denied evaluations.

ED.4 [System] Encourage the Public Education Department and local education agencies to expand training for school personnel and parents to addressing student behavioral issues in public schools.

ED.5 [System] Advocate for increased state funding for special education services in New Mexico public schools.

School-to-Jail Pipeline

Advance the rights of individuals with disabilities who have entered, or are at risk of entering, the School-to-Jail Pipeline by assisting students and families attain a safe educational environment that encourages learning at their schools or other institutions.

SJP.1 [System] Work with schools and districts to revise or alter discipline policies that negatively impact or promote the entry of students with disabilities into the School-to-Jail Pipeline.

SJP.2 [System] Promote restorative justice as an alternative to out-of-school suspensions/expulsions.

SJP.3 Assist parents and schools in implementing appropriate educational supports and interventions, including, but not limited to, social workers' services, behavioral supports, and properly tailored Behavior Intervention Plans, by advocating for timely and appropriate assessments of students who are either suspected of having a disability or who have been diagnosed with a disability.

Access & Rights

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

AR.1 Pursue litigation 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 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.

AR.4 [System] Provide systemic advocacy to challenge housing discrimination.