

**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.

***A/N/E.5 [System]*** *Conduct routine monitoring of facilities serving persons with disabilities for the purpose of identifying possible abuse or neglect, ensuring compliance with respect to service recipient rights and safety, and receiving complaints that may later form the basis for investigation.*

## **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.2: (Add to the end of C.2) “ and 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 three 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 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. These activities can be carried out under C.1.~~

## **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 (new). – [Case/systems]. Monitor NMDVR's use of the Order of Selection and its impact on eligible applicants or recipients. Ensure that applicants or recipients impacted by the Order of Selection are informed of their rights. Assist applicants or recipients in obtaining information from NMDVR regarding how their services may be impacted by the OOS.*

**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.

*P.4 [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 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.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/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”.

**MH.5 [System]** *In conjunction with Kevin S. case, advocate for the rights of children with disabilities in the foster care system to appropriate, individualized, accessible, adequate, and coordinated medical, mental health, and behavioral health services in safe and stable placements that are the least restrictive appropriate to their needs from the Children, Youth and Family Division and Health Services Division.*

### **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.2 Assist persons subject to guardianship, treatment guardianship, or the authority of a representative payee with terminating or achieving a less restrictive substitute decision-making arrangement in cases where the person clearly does not meet legal criteria for the existing arrangement based on her/his abilities, 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.*

**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.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 ~~assist beneficiaries as needed to change Payees or~~ (this advocacy is provided under SD.2) 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.3: (Add to the end of ED.3) “or when a requested evaluation has been unreasonably delayed”*

~~*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. Not a measurable activity.*~~

**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.2 Work with Juvenile Probations Officers, CYFD, and other parties/community organizations such as juvenile prosecutors, juvenile judges, schools, School Resource Officers, etc. to institute agreements designed to reduce the overall number of referrals of students to law enforcement for non-violent offenses that occur on schools grounds or at school functions.*

**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.

*SJP.4 Represent students with disabilities at Manifestation Determination Reviews and/or represent students with disabilities, or students who should have been evaluated for disabilities under the school's IDEA Child Find obligation, at disciplinary hearings such as Long-Term Suspension/Expulsion hearings.*

## **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.

*AR.4 [System/Case] Ensure people with disabilities have access to and opportunities to rent or own homes and apartments in their communities. This work includes, but is not limited to, the following:*

- *Ensuring that landlords and property owners do not discriminate against persons with disabilities in renting or selling property*
- *Making sure that housing is accessible to people with disabilities to the extent required by law*
- *Advocating to increase the amount of accessible, affordable and integrated housing for individuals with physical and mental disabilities*