



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH & HUMAN SERVICES
DIVISION OF COMMUNITY BASED CARE SERVICES
BUREAU OF ELDERLY & ADULT SERVICES

BEAS 3657
10/2014

**Frequently Asked Questions for Individuals
Regarding The BEAS State Registry**

1. What is the BEAS State Registry?

The Bureau of Elderly and Adult Services (BEAS) State Registry is a database containing information on founded reports of abuse, neglect or exploitation of incapacitated adults by a paid or volunteer caregiver, guardian, or agent acting under the authority of a power of attorney (POA) or any durable power of attorney (DPOA). The creation and maintenance of the Registry is required under New Hampshire's Adult Protection Law (RSA 161-F:49).

2. Can I check to see if I am listed on the Registry?

Yes, you can. You will need to submit a BEAS Consent Form found online at <http://www.dhhs.nh.gov/dcbcs/beas/registry.htm> or you can call (603) 271-3269 to request to have a copy mailed to you.

3. Can an employer submit a consent form on an individual under the age of 18 if they are a volunteer or a prospective employee?

Yes. However, the individual's parent and/or Guardian must also sign the consent form.

4. May I designate another person to act under the authority of a Power of Attorney (POA) or Durable Power of Attorney (DPOA) if that person's name is on the Registry? For example, if I, as an individual, want to name my daughter as my POA and she is on the Registry, can I still name her as my POA?

Yes. However, if an individual is on the Registry, you should examine their fitness to serve as your agent under a POA or DPOA.

5. Why is an individual's name placed on the Registry?

An individual's name is placed on the Registry when BEAS has investigated a report that the individual abused, neglected or exploited an incapacitated adult, and has determined that the report is founded. The Bureau notifies the individual of this finding by letter. The individual must have been a paid or volunteer caregiver, guardian, or agent acting under the authority of a POA or any DPOA when the abuse or exploitation occurred.

6. Do I have the right to appeal the decision to put my name on the Registry?

Yes, once you have received the founded determination letter, you have 10 days from the date of the letter to request an appeal through the NH Department of Health and Human Services (NH DHHS) Administrative Appeals Unit. If the decision is upheld, your name will go on the Registry. If the decision is overturned, your name will not go on the Registry?

7. Do I have the right to appeal the decision that the Administrative Appeals Unit upheld?

Yes, you may file a petition in the 6th Circuit Court-Probate Division, located in Concord, NH, to review the Appeal Unit's final decision, which will be issued to you in writing. Your petition must be filed within 30 days of the date of the final decision. Your name will not be entered on the Registry while the petition is being considered.

8. Once a name is entered on the Registry, how long does it remain there?

A name remains on the Registry for 7 years.

9. Under what circumstances can a name be removed from the Registry before the seven-year period has expired?

After one year, an individual can request an expungement through the Circuit Court, Probate Division, where the individual resides or where the abuse, neglect or exploitation occurred. Form # NHJB-2619-P "Petition to Expunge" can be downloaded at <http://www.courts.state.nh.us/forms/nhjb-2619-p.pdf> If the expungement is not granted, the individual must wait three years before petitioning again.