

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

TO: Providers

FROM: Kathleen F. Otte, Bureau Administrator

DATE: September 7, 2007

SUBJECT: *Bureau of Elderly and Adult Services (BEAS) State Registry*

Effective July 1, 2007, RSA 161-F:49, requires the Department of Health and Human Services, BEAS, to maintain a State Registry of founded reports of abuse, neglect, and exploitation. The law establishes the due process a perpetrator is entitled to prior to having his or her name placed on the registry. Reports received since July 1, 2007, are being handled by the Department in accordance with the process prescribed by law. As those investigations are completed, names of perpetrators will begin to be placed on the registry as required by law.

The law *requires* that all employers of programs that are licensed, certified, or funded by the Department to provide services to individuals, submit the name of prospective employees who may have client contact, for review against the registry. An "Individual" is defined by law as someone found eligible for or receiving services pursuant to RSA 171-A (Services for the Developmentally Disabled), RSA 135-C:13-14 (Services for the Mentally Disabled), RSA 161-E (Personal Care Services for the Severely Physically Disabled), RSA 161-I (General Personal Care Services), RSA 151:2 I(b) (Home Health Care), RSA 151:2 I(e) (Residential Care Facility Services), RSA 151:2 I(f) (Adult Day Care) or who is an Incapacitated Adult as defined in RSA 161-F:43 VII. If the prospective employee is on the registry, the employer shall not hire him or her without requesting and obtaining a "Waiver" from the Department.

In addition to those employers licensed, certified, or funded by the Department to provide services, any individual hiring a caregiver directly, or through an authorized representative or fiscal intermediary, to provide personal care services, *may* submit the prospective employee's name for review against the registry.

In either case, the employer is informed whether a prospective employee is or is not on the registry. A BEAS State Registry Consent Form is enclosed to be completed by the prospective employee and used by employers to request a review of the registry.

As we move forward together to implement this law, if you have any questions about the Department's responsibilities to administer the BEAS State Registry, please contact the BEAS Legal Coordinator, Mary J. McGuire, at 271-4725. Individual employers with questions about their responsibilities under the Statute may wish to seek legal advice from their own legal counsel.

Enclosure