PART He-M 402 PEER SUPPORT

Statutory Authority: RSA 126-N:4

He-M 402.01 Purpose.

(a) The purpose of this part is to define the criteria and procedures for the operation of Peer Support Agencies (PSAs).

(b) The purpose of a PSA is to provide peer supports, peer education and peer programming approved by the state mental health authority that:

(1) Foster wellness in participants by supporting peers in identifying, and achieving an evolving and hopeful vision for their future;

(2) Foster self-advocacy skills, autonomy, and independence;

(3) Foster the ability to enhance a quality of life for participants including:

a. Connection with their families;

b. Connection with communities of their choice; and

c. Personally meaningful occupation;

(4) Emphasize mutuality as demonstrated by:

a. Shared decision making;

b. Strong conflict resolution;

c. Non-medical approaches to support; and

d. Non-static roles, such as, staff who are members and participants, and members and participants who are educators;

(5) Offer alternative views on wellness and the effects of trauma and abuse;

(6) Encourage informed decision-making about all aspects of participant's lives;

(7) Support peers in understanding how they came to know what they know, by challenging perceived self-limitations, while encouraging the development of beliefs that enhance personal and relational growth and moving towards the life the peer desires; and

(8) Emphasize a holistic approach to health that includes a vision of the "whole" person.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.02 Definitions.

(a) "Board of directors" means the governing body of a nongovernmental PSA.

(b) "Culturally competent" means having attained the knowledge, skills and attitudes necessary to provide effective supports, services, education and technical assistance to populations in the geographic area served by the agency.

(c) "Department" means the New Hampshire department of health and human services

(d) "Guest" means any person who is invited to visit the PSA by a member, a participant, or the PSA.

(e) "Member" means any peer, who has made an informed decision to join, and agrees to support the goals and objectives of the PSA.

(f) "Participant" means a consumer, whether or not he or she is a member, who participates in any aspect of the peer support agency.

(g) "Peer" means any individual, 18 years of age or older, who self identifies as having lived experience as a former recipient, or as at significant risk of becoming a recipient of publicly funded mental health services.

(h) "Peer support agency (PSA)" means an organization whose primary purpose is to provide culturally competent peer support to peers 18 years of age or older.

(i) "Peer support services" means services that:

(1) Are provided for peers and by peers;

(2) Are designed to assist peers in their recovery;

(3) Include an educational environment in which people have the opportunity to learn wellness strategies while developing mutually beneficial relationships; and

(4) Include other educational, vocational or housing opportunities, as determined by the PSA.

(j) "Recovery" means, development of personal and social skills, beliefs and characteristics that:

(1) Support choice;

(2) Increase quality of life;

(3) Decrease dependence on the most restrictive services.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.03 Composition and Responsibilities of a PSA.

(a) A PSA shall be incorporated and shall have an established plan for governance.

(b) The plan for governance shall comply with the following:

(1) A PSA's board of directors shall:

a. Have responsibility for the programmatic, fiduciary and policy oversight of the corporation; and

b. Have the powers usually vested in the board of directors of a nonprofit corporation, except as regulated in He-M 402;

(2) The responsibility and powers described in (1) above shall be stated in a set of bylaws maintained by the PSA board;

(3) A PSA's board of directors shall not allow more than 20% of the board members to serve for more than 6 consecutive years;

(4) A PSA's board of directors shall specify in its bylaws a procedure by which inactive PSA members are removed from the PSA board;

(5) The size and composition of the board of directors of a PSA shall be as follows:

a. The number of persons serving as board members shall be no fewer than 9;

b. Consumers shall comprise a minimum of 51% of the membership of the PSA board;

c. No more than 20% of board members shall be related by blood, marriage or cohabitation to other board members;

d. Board membership shall not be open to the following individuals:

1. Employees of a PSA, the spouses or significant others of employees, or anyone living in the same household as an employee, except that the executive director shall be eligible as an ex officio member;

2. Employees of the New Hampshire department of health and human services or their spouses; and

3. Individuals or the spouses of individuals who are under contract with a PSA;

(6) By-laws shall include term limits for board of director officers; and

(7) By-laws shall include a nominating process that actively recruits diverse individuals whose skills and life experiences will serve the needs of the agency.

(c) The PSA's board of directors shall establish policies for the governance and administration of the PSA and all services provided through contract with the PSA.

(d) Policies shall be developed to ensure efficient and effective operation of the PSA and adherence to requirements of federal funding sources and rules and contracts established by the department.

(e) The PSA shall be responsible and accountable for all PSA services whether administrated directly by a PSA or provided under contracts with other organizations.

(f) Upon dissolution of the PSA or upon the event that the PSA no longer contracts with the department, ownership and possession of all assets and property obtained with funds granted by the department shall revert to the department.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.04 Fiscal Management.

(a) A PSA shall utilize federal, third party, and other public and private sources of funds that are available for the agency to carry out the purposes of the PSA.

(b) The board of directors shall establish and document an orientation process for educating new board members regarding:

(1) Fiduciary responsibilities of board membership; and

(2) Trainings for treasurer and all board members regarding reviewing and analyzing financial statements and general financial oversight.

(c) The department shall conduct announced or unannounced reviews of PSAs and audit PSAs including all or part of any services, finances, or operations of the PSAs, whether operated directly by the PSA or for services contracted through or with another organization.

(d) A PSA shall submit annually to the department an independent audit of the PSA and an independent audit of any subcontractor of the PSA that provides peer support services. The independent audits shall be performed by a certified public accountant and be submitted together with a management letter, if issued, by October 31 for the previous fiscal year ending June 30.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.05 Staff Training, Staff Development and Orientation.

(a) A PSA shall provide a training orientation for all new staff providing peer support that includes at a minimum:

(1) The statewide peer support system;

(2) All department rules applicable to peer support;

(3) Protection of member and participant rights pursuant to He-M 315;

(4) Agency policies and procedures;

(5) PSA grievance procedures;

(6) Procedures regarding harassment, discrimination, and diversity;

(7) Documentation such as incident reports, attendance records, and telephone logs; and

(8) Procedures regarding confidentiality.

(b) The executive director shall arrange for peer support agency employees to receive training to have the necessary skills to perform their job functions.

(c) A PSA shall establish and implement written staff development policies applicable to all staff that specifically address the following:

(1) Job descriptions;

(2) Staffing pattern;

(3) Conditions of employment;

(4) Grievance procedures;

(4) Performance reviews; and

(6) Individual staff development plans.

(d) Prior to employment, each staff member shall demonstrate evidence of, or willingness to verify:

(1) Citizenship or authorization to work;

(2) Motor vehicles record check to ensure that the potential employee has a valid driver's license, if such employee will be transporting members or participants;

(3) Criminal records check;

(4) Previous employment; and

(5) References.

(e) Prior to employment each staff member shall be screened for tuberculosis (TB) as follows:

(1) All newly employed employees, including those with a history of bacille calmette guerin (BCG) vaccination, who will have direct contact with members and participants and the potential for occupational exposure to Mantoux TB through shared air space with persons with infectious TB shall have a TB symptom screen, consisting of a Mantoux tuberculin skin test or QuantiFERON-TB test, performed upon employment;

(2) Baseline 2-step testing, if performed in association with Mantoux testing, shall be conducted in accordance with the “Guidelines for Environmental Infection Control in Health-Care Facilities” (2003) published by the Centers for Disease Control and Prevention (CDC) as updated (August 1, 2014), available as listed in Appendix A;

(3) Employees with a documented history of TB, documented history of a positive Mantoux test, or documented completion of treatment for TB disease or latent TB infection may substitute that documentation for the baseline two-step test;

(4) All positive TB test results shall be reported to the department's bureau of disease control, at 271-4469, in accordance with RSA 141-C:7, He-P 301.02 and He-P 301.03;

(5) All employees with a diagnosis of suspect active pulmonary or laryngeal TB shall be excluded from the PSA until a diagnosis of TB is excluded or until the employee is on TB treatment and a determination has been made that the employee is noninfectious;

(6) All employees with a newly positive tuberculin skin test shall be excluded from the PSA until a diagnosis of TB disease is ruled out;

(7) Repeat TB testing shall be conducted in accordance with the Guidelines for Environmental Infection Control in Health-Care Facilities" (2003) published by the Centers for Disease Control and Prevention (CDC) as updated (August 1, 2014), available as listed in Appendix A; and

(8) Those employees with a history of previous positive results shall have a symptom screen and, if symptomatic for TB disease, be referred for a medical evaluation.

(f) Each staff person employed by a PSA shall have an annual performance review based upon that staff person's job description and conducted by his or her supervisor.

(g) An individual staff development plan shall be prepared annually with each staff person by his or her supervisor. Such a plan shall be based upon an annual performance review and shall identify objectives and methods for improving the staff person's work-related skills and knowledge.

(h) A PSA shall conduct, or refer staff to, training activities that address objectives for improving staff competencies. Each staff member shall participate in such training activities as specified in that person's individual staff development plan and, in addition, receive ongoing training in protection of member and participant rights.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.06 Peer Support Services.

(a) PSAs shall provide the following supports and services:

(1) Peer support, consisting of supportive interactions among members, participants, staff and volunteers, are based on shared experience which are:

a. Face-to-face or by telephone;

b. Intended to assist people to understand their potential and ability to move towards wellness; and

c. Based on acceptance, trust, respect, and mutual support;

(2) Outreach, consisting of any community-based activity, face-to-face or by telephone, that:

a. Is designed to contact peers; and

b. Includes, at a minimum, the following:

1. Providing support to members and participants and other peers who are unable to attend activities of the peer support agency;

2. Visiting peers, at their request, who are psychiatrically hospitalized; and

3. Reaching out to people who meet membership criteria and are homeless;

(3) Telephone peer support, consisting of peer support provided to members and participants of a PSA or to others who contact the agency during business hours;

(4) A monthly newsletter published and distributed by the PSA that describes:

a. Agency services and activities;

b. Social and recreational opportunities;

c. Other community services that might be of interest to members and participants; and

d. Other relevant topics;

(5) Wellness training, consisting of training provided by or sponsored by a PSA intended to enhance members' and participants' ability to attain and maintain their wellness;

(6) Monthly educational events, which over the course of a year shall include:

a. Rights protection;

b. Peer advocacy;

c. Wellness management; and

d. Community resources; and

(7) Individual peer assistance provided to peers to:

a. Locate, obtain and maintain services and supports through referral, consumer education and self-empowerment;

b. Provide support for individuals who are identifying problems to be addressed or resolving grievances; and

c. Promote self-advocacy.

(b) PSAs may provide additional services not identified in (a) above including the following:

(1) Peer respite, which shall:

a. Consist of a 24-hour, short-term, non-medical program designed as an alternative to hospitalization; and

b. Be operated by PSA staff trained in methods designed to address the needs of peers experiencing psychiatric crises;

(2) Residential services, which shall consist of support and assistance provided by a PSA to a member or participant;

(3) Vocational support, which shall consist of the provision of peer support intended to promote a member's or participant's competitive employment;

(4) Warmline, which shall:

a. Be a separate program within the PSA;

b. Offer on-call telephone peer support services;

c. Be available to members, participants, and others who want or need support;

d. Have staff trained to provide warmline services; and

e. Be provided in the specific scheduled hours during which the PSA is closed; and

(5) Transportation.

(c) A PSA shall conduct community education activities, including the provision of education and consultation to members of the community at large, with the goal of increasing the acceptance of persons recovering from mental illness. Activities shall include working with the media, public speaking, and information dissemination.

(d) A PSA shall collaborate with other local human service providers that serve consumers in order to:

(1) Facilitate referrals; and

(2) Share information about services and other local resources.

(e) A PSA shall offer training and technical assistance to help peers advocate on their own behalf regarding health care.

(f) A PSA shall ensure through the monthly newsletter that peers are informed and provided with the opportunity for involvement in local and system-wide service planning, program evaluation, education, wellness, and training activities as described in (a) above.

(g) Guests may be invited to participate in peer support activities.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.07 Executive Director Selection and Evaluation.

(a) Each PSA shall employ an executive director who is a peer and has, at a minimum the following qualifications:

(1) Demonstrated knowledge of the values and philosophy of peer support as determined by the board of directors of the PSA;

(2) One year of supervisory or management experience; and

(3) An associate's degree or higher in administration, business management, education, health, or human services; or

(4) Each year of experience in the peer support field may be substituted for one year of academic experience.

(b) An executive director of a PSA shall be appointed and evaluated as follows:

(1) Each board of directors shall appoint an executive director of the PSA;

(2) The executive director shall be selected, employed, and supervised by the PSA board of directors in accordance with a published job description and a competitive application process; and

(3) The executive director shall be evaluated annually by the PSA board of directors to ensure that programming is provided in accordance with:

a. The performance expectations approved by the board;

b. The department's rules;

c. Contract provisions; and

d. Quality improvement reviews.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.08 Quality Improvement.

(a) The department shall conduct announced or unannounced quality assurance reviews of PSAs to assure that such services and programs are operated in accordance with the department's rules and contract provisions.

(b) A PSA shall perform active monitoring and comprehensive quality assurance activities including, at a minimum:

(1) Participation in quality improvement reviews conducted by the department;

(2) Member satisfaction surveys;

(3) Review of personnel files for completeness; and

(4) Review of the complaint process.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.09 Life Safety.

(a) A PSA shall be located in a building that is in compliance with local health, building, and fire safety codes.

(b) Each PSA shall be maintained in good repair and be free of hazard.

(c) A PSA shall have:

(1) At least one indoor bathroom which includes a sink and toilet;

(2) At least one telephone for incoming and outgoing calls;

(3) A functioning septic or other sewage disposal system; and

(4) A source of potable water for drinking and food preparation, as follows:

a. If drinking water is supplied by a non-public water system, the water shall be tested and found to be in accordance with and as often as required by Env-Dw 700; and

b. If the water is not approved for drinking, an alternative method for providing safe drinking water shall be implemented.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

New. #12193, eff 5-26-17

He-M 402.10 Waivers.

(a) A PSA or peer may request a waiver of specific procedures outlined in this part, in writing, from the department.

(b) A request for a waiver shall include:

(1) A specific reference to the section of the rule for which a waiver is being sought;

(2) A full description of why a waiver is necessary; and

(3) A full explanation of alternative provisions or procedures proposed by the PSA or peer.

(c) No provision or procedure prescribed by statute shall be waived.

(d) A request for a waiver shall be granted after the commissioner or his or her designee determines that the alternative proposed by the PSA or peer:

(1) Meets the objective or intent of the rule;

(2) Does not negatively impact the health or safety of the people who participate in peer support activities; and

(3) Does not affect the quality of peer support activities.

(e) Upon receipt of approval of a waiver request, the PSA's or peer's subsequent compliance with the alternative provisions or procedures approved in the waiver shall be considered compliance with the rule for which the waiver was sought.

(f) Waivers shall be granted in writing for a specific duration not to exceed 5 years except as in (h) below.

(g) Those waivers which relate to the following shall be effective for the PSA's current certification period only:

(1) Fire safety; or

(2) Other issues relative to peer health, safety or welfare that require periodic reassessment.

(h) A PSA or peer may request a renewal of a waiver from the department. Such request shall be made at least 90 days prior to the expiration of a current waiver.

Source. #2038, eff 7-1-82; ss by #2711, eff 5-16-84; ss by #5130, eff 5-1-91, EXPIRED: 5-1-97

New. #8445, eff 10-6-05, EXPIRED: 10-6-13

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