



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES

STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-126

Rule Number: He-M 528

1. **Agency:** Department of Health and Human Services

Agency Address: Department of Health and Human Services
Bureau of Developmental Services
105 Pleasant Street, Main Bldg.
Concord, NH 03301

2. **RSA Authority:** RSA 171-A:3; RSA 171-A:22 & 24
3. **Federal Authority:**
4. **Action(s):** Readopt w/Amendment
5. **Short Title:** Conditional Discharge from a Designated Receiving Facility for Developmental Service
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

He-M 528 defines the criteria and procedures for conditional discharge of an individual involuntarily admitted to a designated receiving facility (DRF) and for the revision and revocation of the conditional discharge. He-M 528 is scheduled to expire on July 1, 2026, but is subject to extension pursuant to RSA 541-A:14-a.

The Department of Health and Human Services (Department) is proposing to readopt with amendment He-M 528. The proposed amendments include:

- Amending various provisions of the rule for better clarity, program integrity, and to align the rule with current practices, and making minor substantive and

editorial revisions throughout to include updated citations, terminology, grammar, and punctuation;

- Amending He-M 528.02 on definitions by updating the definition of “commissioner”, “conditional discharge”, “designated receiving facility”, “DRF administrator”, “individual”, “informed decision”, “involuntary admission”, and “treatment team”;
- Amending He-M 528.03 on grant of conditional discharge to include use of the term “individual” and remove requirements of the area agency;
- Amending He-M 528.04 on grant of absolute discharge to include use of the term “individual” and remove the bureau administrators review of the absolute discharge;
- Amending He-M 528.05 on transfer to another DRF to include use of the term “individual”;
- Amending He-M 528.06 on revision of conditions of discharge from a DRF to update various terminology;
- Amending He-M 528.07 on revocation of conditional discharge to update various terminology, remove attorney notification, and clarify existing requirements;
- Amending He-M 528.08 on appeal of revocation to update various terminology; and
- Amending He-M 528.09 on waivers to update the waiver request form to the most recently adopted version, clarify the entities responsible for completing and submitting waivers, and to update contact information for submission.

6. (b) Brief description of the groups affected:

He-M 528 affects designated receiving facilities for developmental services and the individuals who are involuntarily admitted to those facilities.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	SPECIFIC STATE STATUTES WHICH THE RULE IMPLEMENTS
He-M 528.01	RSA 171-A:3
He-M 528.02	RSA 171-A:3
He-M 528.03	RSA 171-A:22
He-M 528.04	RSA 171-A:21, I
He-M 528.05	RSA 171-A:8-a, I

He-M 528.06	RSA 171-A:22
He-M 528.07	RSA 171-A:23
He-M 528.08	RSA 171-A:24
He-M 528.09	RSA 171-A:3; RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Allyson Raadmae	Title: Administrator- Administrative Rules Unit
Address: Dept. of Health and Human Services Administrative Rules Unit 129 Pleasant Street, 2nd Floor Concord, NH 03301	Phone Number: (603) 271-9604
	FAX Number: (603) 271-5590
	Email: Allyson.E.Raadmae@dhhs.nh.gov

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:

Wednesday, August 19, 2026

☒ **Fax**
☒ **Email** at allyson.e.raadmae@dhhs.nh.gov
☐ **Other**

9. Public hearing scheduled for:

Date: Wednesday, August 12, 2026

Time: 12:30 PM

Place: DHHS Brown Building Auditorium, 129 Pleasant Street, Concord, NH 03301

Electronic Access, if applicable: N/A

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS #: 26:099, dated: Monday, June 8, 2026

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost between the proposed rules and the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:
None.

B. To State citizens and political subdivisions:
None.

C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules modify an existing program or responsibility, but do not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.