



Michelle Lujan Grisham, Governor
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February 12, 2020

Interested Parties:

The State of New Mexico Human Services Department (HSD) through the Medical Assistance Division (MAD) is accepting written and recorded comments for a period of 30 calendar days regarding the submission of a waiver application to the Centers for Medicare and Medicaid Services (CMS) for a new 1915(c) Home and Community-Based Services (HCBS) Supports Waiver. The Supports Waiver will provide services to individuals with intellectual and developmental disabilities on the Department of Health (DOH) Developmental Disabilities (DD) Waiver Wait List. The average wait time for Developmental Disabilities (DD) waiver services in New Mexico is approximately 13.5 years and there are approximately 5,000 individuals on the DD Wait List. The Supports Waiver will be the State's fourth Medicaid 1915(c) HCBS waiver program currently operated to serve individuals with special needs.

The State intends to submit the waiver application to CMS by April 1, 2020 for an effective date of July 1, 2020.

The key components submitted in the waiver application are as follows:

1. Appendix A: Waiver Administration and Operation identifies that the Department of Health (DOH)/Developmental Disabilities Supports Division (DDSD) operates the day-to-day aspects of the Supports Waiver program with oversight by the HSD/Medical Assistance Division (MAD).
2. Appendix B: Participant Access and Eligibility notes the applicable Medicaid eligibility requirements and procedures for the evaluation and reevaluation of level of care. The application identifies that the State intends to serve up to 5,000 waiver participants by the end of waiver year one (1) and will continue to serve up to 5,000 participants throughout the three (3) year waiver cycle.
3. Appendix C: Participant Services lists the following proposed Home and Community- Based Services (HCBS) Supports Waiver including applicable limitations on such services: case management, customized community supports group and individual, employment supports, homemaker/personal care, assistive technology, behavior support consultation, environmental modifications, non-medical transportation, respite, and vehicle modifications. The maximum dollar amount of waiver services authorized for each participant is \$10,000.
4. Appendix D: Participant-Centered Service Planning and Delivery specifies the information and supports that the State makes available to participants, their family or legal representatives, to direct and actively engage in the service plan development process and stresses the participant's authority to determine who is included in the process.
5. Appendix E: Participant Direction of Services specifies that the Supports Waiver allows for participant direction opportunities for the proposed services and supports outlined in Appendix C.
6. Appendix F: Participant Rights outlines how the State provides an opportunity for participants to request a Fair Hearing and how the State provides information on the procedures to address participants' rights, grievances and complaints.

7. Appendix G: Participant Safeguards describes the safeguards and procedures that the State has established to assure the health and welfare of waiver participants.
8. Appendix H: Quality Improvement Strategy describes the processes by which the State will identify, assess, prioritize and implement system improvements.
9. Appendix I: Financial Accountability describes the methods by which the State determines rates, makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
10. Appendix J: Cost-Neutrality demonstrates that the waiver is cost-neutral. For a waiver to be approved by CMS, the State must demonstrate that the average cost of the waiver per capita expenditure per year does not exceed the average cost per capita expenditure had care to participants been provided in a hospital, nursing facility, or intermediate care facility under the Medicaid state plan had the waiver not been granted.

HSD anticipates that the creation of the Supports Waiver will benefit individuals with intellectual and developmental disabilities on the DOH DD Waiver Wait List by providing access to services and supports that will enable them to work towards self-determination, independence, productivity, integration and inclusion in all facets of home and community life.

The proposed 1915(c) Home and Community-Based Services (HCBS) Supports Waiver Application will be available February 12, 2020 on the HSD website at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have Internet access, a copy of the proposed changes may be requested by contacting MAD in Santa Fe at 505-827-1337.

A public hearing to receive testimony on this application will be held in the **Public Employees Retirement Association (PERA) Conference Room, 33 Plaza La Prensa, Santa Fe, NM 87507 on Friday, March 13, 2020 at 9:00 a.m., Mountain Time (MT).**

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on Friday, March 13, 2020. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.