




Michelle Lujan Grisham, Governor
Kari Armijo, Acting Secretary
Lorelei Kellogg, Acting Medicaid Director

Letter of Direction #108

Date: November 21, 2023

To: Centennial Care 2.0 Managed Care Organizations

From: Lorelei Kellogg, Acting Director, Medical Assistance Division 

Subject: Expanded allowances for Legally Responsible Individuals (LRI) as paid Caregivers

Title: Legally Responsible Individuals as Caregivers

The purpose of this Letter of Direction (LOD) is to inform the Managed Care Organizations (MCOs) of the expanded allowances for Legally Responsible Individuals (LRI) to be hired as paid caregivers. The State of New Mexico has been granted permanent authority from the Centers for Medicare and Medicaid Services (CMS) to allow LRIs as paid caregivers for the Agency Based Community Benefit (ABCB) and Early Periodic Screening, Diagnostic and Treatment (EPSDT) programs effective November 12, 2023. There are no changes to the allowances for the Self-Directed Community Benefit (SDCB) program.

Legally Responsible Individuals (LRI) are defined as a person who has a duty under State law to care for another person. This category typically includes: the parent (biological or adoptive) of a minor child; the guardian of a minor child who must provide care to the child; or the spouse of a member.

With this expanded authority, an LRI can be hired as a paid caregiver for these members under extraordinary circumstances, which include the inability to find and retain other qualified, suitable caregivers when the parent/guardian/spouse (LRI) would absent from the home and, thus, the LRI must stay at home to ensure the member's health and safety and to avoid institutionalization.

LRIs may not be paid for any services that they would ordinarily perform in the household for individuals of the same age who do not have a disability or chronic illness.

Individuals hired as caregivers, including LRIs as caregivers, must meet employment qualifications and training standards. Caregiving services provided by LRIs must meet the definition of a covered service and be specified in the member's approved care plan.

Service Type, Program, Billing Codes, Unit, and Rates:

Service Type	Program	Billing Code	Unit	Rate
Personal Care- Consumer Directed	ABCB	99509	Hour	As negotiated with the MCO
Personal Care- Consumer Delegated	ABCB	T1019	15 Minutes	As negotiated with the MCO
Personal Care Attendant	EPSDT	S5125	15 Minutes	Per rate for Provider Type 324 as found in the “Procedure Code Pricing Span File” and published fee schedules

The request to employ an LRI as a caregiver must be made by the PCS agency with the member’s input and permission. The request must be approved or denied in writing by the appropriate MCO staff member prior to employing the LRI. The request must include documentation showing all attempts to employ other available resources in the member’s community, the challenges the member and/or providers encountered, and why non-LRI providers were unable to successfully provide the approved covered service. The approval of an LRI must be renewed annually.

This LOD will sunset upon inclusion in the Managed Care Policy Manual or NMAC 8.308.12/8.320.2.