



HEALTH CARE
AUTHORITY

Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
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May 27, 2025

Interested Parties:

The Medical Assistance Division (MAD) of the Health Care Authority (HCA) is seeking a five (5) year renewal of the Mi Via 1915 (c) Home and Community-Based Services (HCBS) Waiver approval from the Centers for Medicare and Medicaid Services.

The state of New Mexico Health Care Authority (HCA) through the Developmental Disabilities Supports Division (DDSD) and Medical Assistance Division (MAD) is accepting written and recorded comments for a period of thirty (30) calendar days regarding the submission of its waiver application to the Centers for Medicare and Medicaid Services (CMS) for the 1915 (c) HCBS Mi Via Waiver. The Mi Via Waiver provides services for individuals who have a developmental disability, developmental delay, or are medically fragile, and who require an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care. The purpose of this waiver renewal is to allow the State to continue administering the Mi Via Waiver program for another five-year period beginning October 1, 2025. The current waiver expires September 30, 2025.

The key components included in the waiver renewal application are as follows:

1. Throughout: Language was removed related to the Joint Powers Agreement as it is no longer relevant due to the creation of the HCA which encompasses both the Medical Assistance Division, and the Developmental Disabilities Supports Division. This change includes the removal of all references to the Department of Health (DOH) and the Human Services Department (HSD). The HCA is both the administering and operating agency for the waiver.
2. Appendix A: Language was removed that differentiates the roles and responsibilities of the administrative and operational agencies due to the creation of the HCA. The performance measure that captured the percentage of delegated functions/deliverables specified in the Joint Powers of Agreement (JPA) with which DOH is compliant was removed.
3. Appendix B: Table B-3-a and J-2-a, was updated to capture the current unduplicated number of Mi Via participants receiving Mi Via Waiver services.
4. Appendix B-6 and D: Evaluation/Reevaluation of Level of Care. Language was updated for consistency and standardization across waivers.
5. Appendix C: Employment Supports services was revised to clarify that employment support services should be offered and discussed as a priority service over other day service options for all working age adults. Working age is defined as 21-62 years of age.
6. Appendix C: Clarifying language was added to Homemaker Direct Support Services that the use of Electronic Visit Verification (EVV) for service providers will be required.

7. Appendix C: Respite service was revised to implement new limits of 14 days or 336 hours per budget year. Limits are based on review of utilization data across all waivers. Additional language was added that the use of Electronic Visit Verification (EVV) for service providers will be required.
8. Appendix C and D: Removal of Personal Plan Facilitation as a waiver service as there has been zero utilization of this service since 2021.
9. Appendix C: Addition of Employer of Record as a paid service.
10. Appendix C: Addition of Socialization and Sexuality Education as a service.
11. Appendix C: Clarifying language was added to Environmental Modification (EMOD) service that the use of additional funding for (EMOD) service is not allowed.
12. Appendix C: Community Direct Supports services was revised to implement new limits of 40 hours a week or 2,080 hours allowed per budget year. Limits are based on review of utilization.
13. Appendix C: Customized Community Group Support was revised to allow remote based support which will assist the individual to explore the community and online community activities, groups, and resources.
14. Appendix C: Clarifying language was added to In-Home Living Supports to include requirement of lease agreements to include protections from evictions and due process.
15. Appendix D: Clarifying language added that Service and Support Plans are monitored by the consultant during the monthly in person visit.
16. Appendix G: Clarifying language added that training for abuse, neglect, and exploitation (ANE) will need to be completed prior to working with a participant and annually thereafter.
17. Appendix G: Appendix G: Financial abuse has been added as an abuse, neglect or exploitation (ANE) reportable incident.
18. Appendix I: American Rescue Plan Act (ARPA) language was be removed as this is no longer applicable during the new waiver term.
19. Appendix I: Language was added to outline state law requirements for conducting rate reviews through biennial rate studies, along with the subsequent implementation of rate recommendations derived from these studies, effective July 1 of the year following their completion.

A public hearing will be held on **Thursday, June 26, 2025, at 9:30 a.m., Mountain Time (MT)**. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, New Mexico 87505 and via Microsoft Teams.

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The waiver renewal application is available on the HCA website at <https://www.hca.nm.gov/comment-period-open-2025/>.

Interested parties may submit written comments directly to: Health Care Authority, 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: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than **5:00 p.m. Mountain Time (MT) on June 26, 2025**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.