

The New Mexico Human Services Department's (HSD) through the Medical Assistance Division (MAD) is accepting written comments through April 27, 2015, regarding the proposed **New Mexico Statewide Transition Plan (Transition Plan)** in order to bring the program into compliance with the Centers for Medicare and Medicaid Services (CMS) Final Rule 2249-F/2296-F.

Background

In January 2014, CMS instituted its final rule which for the first time defines settings that would meet the standards of “*community-based*”. These standards address the quality of the experience for the eligible recipient, as opposed to the physical characteristics of the settings in which services were received. The final federal rule applies to both residential and non-residential settings. The intent of this rule is to ensure that eligible recipients receiving federally funded home and community-based services (HCBS) have opportunities to access community services in the most integrated settings. This will include opportunities to seek employment and work in competitive settings, engage in community life, control personal resources, and participate in the community to the same extent as people who do not receive HCBS. CMS has allowed New Mexico to submit its final Transition Plan by June 1, 2015 and is expected to be fully compliant with all requirements by March 17, 2019.

Overview of the Statewide Transition Plan

The Transition Plan provides a comprehensive set of activities with specified target dates to enable HSD to come into full compliance with the HCBS final rule by March 17, 2019 for the Mi Via Waiver, the Developmental Disabilities Waiver, the Medically Fragile Waiver, and the Centennial Care Demonstration Waiver. HSD anticipates folding the Medically Fragile Waiver into the current Centennial Care Demonstration Waiver, and as such, this waiver will be incorporated into the Centennial Care Demonstration Waiver specific part of the Transition Plan. HSD is committed to fostering meaningful stakeholder engagement in implementing its Transition Plan not only by requesting your comments, but by specifically reaching out to the leading advocacy groups of the Advisory Council on Quality for the Mi Via Waiver and the Developmental Disabilities Waiver and the Member Advisory Boards for Centennial Care.

HSD will use a multi-phase approach to implement the Transition Plan's assessment activities. Throughout the Transition Plan's phases HSD will:

- Assess all applicable HSD documents governing operation and administration of the programs against the HCBS final federal rule requirements to determine compliance. This will include New Mexico Administrative Code rules, standards, procedures, the applicable HCBS waiver applications, HSD managed care organizations (MCO) contracts, Centennial Care special terms and conditions, and the MCO policy manual. Assess settings where eligible recipients receive waiver services against the HCBS final federal rule by conducting provider and eligible recipient surveys. To assist providers and eligible recipients complete the surveys, HSD will utilize its existing tools and processes and also provide training and assistance.
- Develop strategies to remediate settings that are determined to be noncompliant with the HCBS final federal rule and the Transition Plan, to include among other options the relocations of eligible

recipients to HCBS compliant settings, require noncompliant HCBS providers to implement HSD approved corrective action Transition Plans, and modify existing MCO contractual requirements.

- Implement remediation strategies.
- Monitor ongoing compliance against the Transition Plan.

As the Transition Plan unfolds, it may be necessary to modify its tasks. HSD will provide opportunities for public and tribal comments prior to submitting Transition Plan modifications to CMS for its review and approval.

The Statewide Transition Plan on the HSD webpage at:

<http://www.hsd.state.nm.us/public-notice-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>

The final federal rule is available on the CMS webpage at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

All comments and responses will be compiled and available after April 30, 2015.