

April 12, 2016

RE: Tribal Consultation Letter 16-08: Medically Fragile Waiver Renewal

Dear Tribal Leadership, Indian Health Service Facilities, Tribal Healthcare Providers, and Other Interested Parties:

Consultation with New Mexico's Indian Nations, Tribes, Pueblos and their healthcare providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Human Services Department's (HSD) Tribal Consultation requirements, this letter is to inform you that HSD intends to submit a renewal application to the Centers for Medicare and Medicaid Services (CMS) on the topic of the Medically Fragile Waiver, a Medicaid 1915 (c) Home and Community-Based Services (HCBS) waiver. As of March 2016, there are 15 Native Americans out of 163 Medically Fragile waiver participants. The State is seeking advice or comments from Native American communities on this waiver renewal. This waiver renewal has no negative impact to Native Americans in the Medically Fragile waiver.

The primary purpose of this renewal is to allow the State to continue administering the Medically Fragile program beginning October 1, 2016 through September 30, 2021. The current waiver expired June 30, 2015 and is currently functioning under a waiver extension. The State intends to submit its renewal application by July 1, 2016.

The Medically Fragile Home and Community-Based Services program provides services for individuals diagnosed with a medically fragile condition, have a developmental disability, developmental delay, or are at risk for developmental delay before reaching 22 years of age and who require an Institutional Care Facility for Individuals with Developmental Disabilities (ICF/IDD) level of care. Participants receive services in their family home or their own home as an alternative to institutionalization.

Services provided through the Medically Fragile waiver include: case management, home health aide, respite, nutritional counseling, skilled therapy for adults, behavior support consultation, private duty nursing, and specialized medical equipment and supplies. The Department of Health (DOH)/Developmental Disabilities and Supports Division (DDSD) operate the Medically Fragile program with oversight by HSD.

The key components of proposed changes under this waiver renewal are as follows:

1. Quality measures and reporting through performance indicators have been updated to comply with the modifications required by CMS effective June 1, 2014. These CMS modifications include: health and welfare monitoring and outcomes are emphasized; remediations are reported to CMS in substantiated instances of abuse, neglect or exploitation; and, quality improvement projects/remediation are required when the threshold of compliance with a measure is at or below 85%.
2. Details related to the CMS HCBS Final Rule are included in Attachment #2 and Appendix C-5 of the waiver application. The HCBS Final Rule improves available HCBS programs by providing protections to participants, enabling participants to have the same opportunity to receive services in the most integrated setting appropriate, and have full access to community living opportunities.

Tribal Impact to the proposed changes listed above: *HSD does not anticipate a service or financial impact to individuals, tribes and their healthcare providers.*

The draft Medically Fragile waiver renewal application will be posted by April 15, 2016 on the HSD website at <http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx>. The current approved waiver (NM.0223), effective July 1, 2010 through June 30, 2015, can be viewed on the HSD webpage at: <http://www.hsd.state.nm.us/LookingForInformation/medically-fragile.aspx>

We welcome your comments/questions on this renewal. Comments will be received through June 13, 2016 to allow time for interested parties to submit their comments. All comments will be reviewed and recorded. HSD will update the waiver renewal application request as necessary based on comments and responses received. All of your comments and responses will be compiled and made available to CMS.

You may send your comments/questions to our Native American Liaison, Ms. Theresa Belanger, Medical Assistance Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348, by phone at (505)

827-3122, or by email at Theresa.Belanger@state.nm.us.

Thank you in advance for your input and for your continued support of the Department's Native American initiatives.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Smith-Leslie". The signature is written in a cursive, flowing style.

Nancy Smith-Leslie, Director
Medical Assistance Division

Cc:

Angela Medrano, Deputy Director, HSD/MAD

Theresa Belanger, Native American Liaison, HSD/MAD

Cathy Stevenson, Director, DOH/ Developmental Disabilities and Supports Division (DDSD)

Roberta Duran, Deputy Director, DOH/DDSD

Shari Roanhorse-Aguilar, Bureau Chief, HSD/MAD/ESPB

Melanie Buenviaje, Deputy Bureau Chief, HSD/MAD/ESPB

Kresta Opperman, Medically Fragile Program Manager, DOH/DDSD

Iris Clevenger, Medically Fragile Program Manager, DOH/DDSD