




Susana Martinez, Governor
Sidonie Squier, Secretary
Julie B. Weinberg, Director

TO: All Interested Parties

FROM:  Julie B. Weinberg, Director

CC: Cathy Stevenson, Director, Department of Health (DOH), Developmental Disabilities and Supports Division (DDSD)
Roberta Duran, Bureau Chief, DOH/DDSD
Angela Medrano, Bureau Chief, HSD/MAD, Exempt Services and Program (ESPB)
Melanie Buenviaje, Staff Manager, HSD/MAD/ESPB
Christine Wester, Mi Via Program Manager, DOH/DDSD

DATE: September 12, 2014

RE: Proposed Mi Via Home and Community-Based Services 1915 (c) Waiver Renewal Application

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 ending October 14, 2014 regarding the Mi Via Home and Community-Based Services (HCBS) 1915 (c) waiver renewal application. The purpose of this waiver renewal is to allow the State to continue administering the Mi Via program beginning October 1, 2014 through September 30, 2019. The current waiver will expire on September 30, 2014. The State requested a 90-day extension of the current Mi Via waiver through January 1, 2015 as a result of additional time needed to address the Centers for Medicare and Medicaid Services (CMS) Final Rule requirements 2249-F/2296-F on HCBS settings. The State intends to submit its waiver renewal application to CMS by November 10, 2014 for a retroactive effective date of October 1, 2014. A public hearing is scheduled for October 14, 2014 to accept public testimony for this waiver renewal.

Proposed Modifications to the Mi Via Waiver

The Mi Via program provides HCBS to individuals who meet both financial eligibility and an Intermediate Care Facility for Individuals with Intellectual Disabilities level of care criteria. As of June 2014, there are 703 Mi Via waiver participants. The goal of the program is to support individuals who wish to self-direct, or manage, their own services, supports and goods within an approved plan and budget in their communities as an alternative to institutionalization. The Department of Health (DOH)/Developmental Disabilities and Supports Division (DDSD) operates the Mi Via program with oversight by HSD.

Services provided through Mi Via include: consultant and support guides; customized community group supports; employment supports; homemaker/direct support; respite; home health aide; skilled therapy for adults; personal plan facilitation; behavior support consultation; community direct support;

in-home living supports; emergency response; environmental modifications; nutritional counseling; private duty nursing for adults; related goods; specialized therapies; and, transportation.

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

1. The roles and responsibilities of Mi Via consultants and support guides will be enhanced and include more detail. Consultants are key to the success of the Mi Via program as they assist participants in arranging for, implementing and managing Mi Via services. The new detail provided in this waiver renewal clarifies and coordinates their work on behalf of participants. The frequency of face-to-face visits has been increased to quarterly up from twice a year and a monthly check-in is required.
Impact: *HSD anticipates a positive service impact to Mi Via participants and their healthcare providers with the additional requirements for consultants and support guide service.*
2. Customized Community Supports is renamed to Customized Community Group Supports (CCGS). A CCGS agency is still required to have a business license but is no longer required to be a licensed adult day health provider. In addition, per the CMS Final Rule on HCBS settings, the service definition for CCGS is expanded to include information specific to services being provided in an integrated setting and supporting access to the greater community.
Impact: *HSD anticipates a positive service impact to Mi Via participants and their healthcare providers with the additional requirements for CCGS service.*
3. Assisted Living has been removed as a service due to non-utilization the past three waiver years by the developmental disabilities and medically fragile populations. This change will also bring the waiver into closer alignment with the CMS HCBS Final Rule to maximize opportunities for individuals to have access to the benefits of community living and to receive services in the most integrated setting.
Impact: *HSD does not anticipate a service or financial impact to Mi Via participants or their healthcare providers with the removal of the assisted living service.*
4. Customized In-Home Living Supports is renamed to In-Home Living Supports.
Impact: *HSD does not anticipate a service or financial impact to Mi Via participants or their healthcare providers with the service name change for in-home living supports.*
5. Environmental Modification (EMOD) services include the purchase and/or installation of necessary equipment or other physical adaptations to a Mi Via participant's residence. The five-year renewable spending limit from the first date of EMOD services has been changed from \$7,000 to \$5,000. This brings equity to EMOD spending among the Mi Via waiver, the Developmental Disabilities waiver, and the Centennial Care Self-Directed Community Benefit. Over the last two years, there were 74 Mi Via participants that used the EMOD service. Their average expenditure was \$4,355.
Impact: *HSD anticipates minimal service and/or financial impact to Mi Via participants with the spending limit change for EMOD services.*
6. Quality Improvement performance measures are now administered primarily through the DOH Developmental Disabilities Services Quality Improvement (DDSQI) Steering Committee.
Impact: *HSD does not anticipate a service or financial impact to Mi Via participants or their healthcare providers with the change in the administration of quality improvement*

performance measures.

7. 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%.

Impact: *HSD does not anticipate a service or financial impact to Mi Via participants or their healthcare providers with the modification to quality measures and reporting.*

8. Details related to the CMS Final Rule on HCBS settings are included in Attachment #2 and Appendix C-5 of the waiver application.

Impact: *HSD does not anticipate a service or financial impact to Mi Via participants or their healthcare providers with the additional information on HCBS settings.*

Written or Recorded Comment and Public Testimony Opportunities

HSD has issued this public notice to accept written and recorded comments and public testimony regarding the proposed Mi Via waiver renewal. This notice, the proposed waiver renewal application, HCBS Transition Plan and other information can be found on the HSD webpage at:

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

The current approved Mi Via waiver (NM 0448.R01.00), effective October 1, 2009 through September 30, 2014 is available on the CMS webpage at:

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/Medicaid-and-CHIP-Program-Information.html>.

A public hearing on the Mi Via HCBS Waiver Renewal request is scheduled be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on October 14, 2014 at 1:30 p.m. MDT.

**Written comments must be submitted by
5:00 p.m. Mountain Daylight Time on October 14, 2014**

by mail to:

**Jenn Chavez, Human Services Department - Medical Assistance Division
Program Policy & Integrity Bureau,
P.O. Box 2348, Santa Fe, New Mexico 87504.**

Recorded messages may be left at:

(505) 827-3118 or toll free at (888) 997-2583 asking for extension 7-3118.

Emails may be directed to:

JenniferL.Chavez1@state.nm.us