TO: All Interested Parties

FROM: Nancy Smith-Leslie, Director

DATE: November 28, 2016

RE: Mi Via 1915 (c) Home and Community-Based Services Waiver Amendment

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 December 29, 2016 regarding the Mi Via 1915(c) Home and Community-Based Services (HCBS) Waiver Amendment. The Mi Via waiver was approved by the Centers for Medicare and Medicaid Services (CMS) for another five year period for October 1, 2015 to September 30, 2020. The primary purposes of this amendment is to update the estimated number of individuals to be served under the waiver, and include clarifying language on related goods, transportation, and respite services. The State intends to submit this amendment application to CMS in January 2017.

The Mi Via waiver program provides HCBS services to individuals who have an intellectual and/or developmental disability (I/DD) or medically fragile condition with I/DD. Participants receive services in their family home or their own home as an alternative to institutionalization. The Department of Health (DOH)/Developmental Disabilities Supports Division (DDSD) operates the day-to-day aspects of the Mi Via waiver program with oversight by the HSD/Medical Assistance Division (MAD).

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

1. Update the number of participants being served under the waiver. The number of participants being serviced through the Mi Via waiver has increased and exceeded the projections previously submitted to CMS.

   Impact: HSD does not anticipate a service or financial impact to participants currently
receiving services under approved Service and Support Plans (SSP)/budgets or to their healthcare providers.

2. Related goods will be renamed Individual Directed Goods and Services and will include services, equipment or supplies not otherwise provided through this waiver or the Medicaid State Plan. Fees and memberships will be removed from the service description. Language will be added to clarify that this service excludes goods and services that are recreational or diversional in nature. Recreational and diversional in nature is defined as inherently and characteristically related to or denoting activities done for amusement, enjoyment, a pastime or hobby, distinct from what might be intended. Goods and services that are considered recreational or diversional in nature include, but are not limited to: tickets to sporting events, music concerts, and theatrical productions, and movie, zoo, and museum passes. These changes bring this service in line with service descriptions as written in the CMS Instructions, Technical Guide and Review Criteria, January 2015.

Impact: HSD anticipates a service and financial impact for existing participants upon their annual Service and Support Plan (SSP)/budget renewals or revisions. Based upon a utilization review of this service, HSD estimates approximately 208 existing participants may be affected by this proposed change.

3. Appendix I-2 Rates, Billing and Claims, will be updated to include clarifying language that reasonableness of rates for approval of Individual Directed Goods and Services will be determined by reviewing trends in utilization over a two year period.

Impact: HSD does not anticipate a service or financial impact to participants currently receiving services under approved Service and Support Plans (SSP)/budgets or their healthcare providers. The proposed changes may affect services for participants at the time of SSP/budget annual renewals or revisions.

4. The Transportation service will be updated to clarify that payment for transportation under the waiver is limited to the costs of transportation needed to access waiver services included in the participant’s service plan or to access other activities and resources identified in the service plan. It will also be clarified that transportation services for minors are non-covered as these are services that a legally responsible individual would ordinarily provide for household members of the same age who do not have a disability or chronic illness.

Impact: This language is currently included in the Medicaid NMAC 8.314.6, Mi Via HCBS Waiver, therefore HSD does not anticipate a service or financial impact to participants
currently receiving services under approved Service and Support Plans (SSP)/budgets or to their healthcare providers. The proposed changes may affect services for new participants or new requests for this service at the time of SSP/budget annual renewals or revisions.

5. The Respite service will be updated to clarify that respite is provided on a short-term basis to allow the participants’ primary unpaid caregiver a limited leave of absence in order to reduce stress, accommodate a caregiver illness, or meet a sudden family crisis or emergency. Services must only be provided on an intermittent or short-term basis because of the absence or need for relief of those persons normally providing care to the participant.

Impact: HSD does not anticipate a service or financial impact to participants currently receiving services under approved Service and Support Plans (SSP)/budgets. The proposed changes may affect services for participants at the time of SSP/budget annual renewals or revisions. There are currently 112 participants receiving this service who may be affected.

6. The In-home Living Support service will be updated to clarify that the service must be provided through a vendor agency and not through an independent contractor. This change is intended to ensure continuity of a service provider for the participant. Existing independent contractors providing In-home Living Supports prior to the approval of the amendment will be allowed to continue to provide services.

Impact: HSD does not anticipate a service or financial impact to participants currently receiving services under approved Service and Support Plans (SSP)/budgets or to their healthcare providers.


**IMPORTANT DATES**

- Written comments must be submitted by 5:00 p.m. Mountain Daylight Time (MDT) on December 29, 2016. Comments may be submitted as follows:

  **By mail to:**
  Kresta Opperman, Human Services Department
Medical Assistance Division
Exempt Services & Programs Bureau
P.O. Box 2348
Santa Fe, New Mexico 87504.

Recorded messages may be left at:
(505) 827-1337

Emails may be directed to:
madrules@state.nm.us

- A public hearing for HSD to accept comments on the Mi Via waiver amendment is scheduled to be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM, 87505 on Thursday, December 29, 2016 at 10:00 a.m.

- All comments and HSD responses will be compiled and posted on the HSD website in mid-January 2017.

CC: Cathy Stevenson, Director, Department of Health (DOH), Developmental Disabilities Supports Division (DDSD)
Robert Duran, DOH, DDSD Deputy Director
Jennifer Rodriguez, Bureau Chief, DOH/DDSD
Shari Roanhorse-Aguilar, Bureau Chief, HSD/MAD, Exempt Services and Program (ESPB)
Kresta Opperman, Staff Manager, HSD/MAD/ESPB
Christine Wester, Mi Via Program Manager, DOH/DDSD