February 17, 2014

RE: Amendment to 8.314.5 NMAC, Developmental Disabilities Home and Community-Based Services Waiver

Dear Honorable Tribal Leader (I/T/U):

The New Mexico Human Services Department (HSD) recognizes the value of notifying the designees of Tribes, Pueblos, Nations, and Indian health programs regarding program changes and development. There are amendments to the rule being proposed by the HSD, along with the Department of Health (DOH), for the Developmentally Disabled Waiver (DDW). HSD seeks your questions and/or comments regarding the information contained in this letter.

The State has a Home and Community Based Services Waiver for the Developmentally Disabled approved through the Centers for Medicare and Medicaid Services (CMS). This waiver is for recipients who meet the level of care required in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

This rule promulgation has no negative impact on Native Americans being served under the DDW. As of December 1, 2013 there are 380 Native Americans being served under the DDW.

The State is proposing the following changes to the DD waiver rules:

1. Add language that describes the Supports Intensity Scale (SIS) standardized assessment process and how it is administered to all DDW recipients.
2. Add language that describes the standardized decision rules that are applied to specified SIS subscale scores and supplemental questions to determine the appropriate New Mexico (NM) group placement.
3. Add language that describes the seven NM DDW groups and the corresponding service packages.
4. Add language that explains NM group H which is reserved for individuals who have extenuating circumstances or extremely complex needs that may require services that go above and beyond the service packages in the assigned DDW group.

5. Add language referencing the general Recipient Hearings (8.352.2.10 NMAC) section in the “Right to a Hearing” section.

The proposed amendment to 8.314.5 NMAC, Developmental Disabilities Home and Community-Based Waiver, may be found at: http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx. It is our hope that the information above provides you with useful information pertaining to the proposed changes to 8.314.5 NMAC, Developmental Disabilities Home and Community-Based Waiver. Please provide any questions and/or comments regarding the information contained in this letter by Wednesday, March 26, 2014 to Ms. Theresa Belanger, Native American Liaison, HSD, Medical Assistance Division at P.O. Box 2348, Santa Fe, New Mexico 87505-2348, (505)827-3122, or via email at Theresa.Belanger@state.nm.us.

Thank you for your continued partnership in assisting the HSD by providing your input regarding optimal services that best meet the needs of your community.

Sincerely,

[Signature]

Julie B. Weinberg, Director
Medical Assistance Division

cc: Cathy Stevenson, Director, DOH/Developmental Disabilities Supports Division
Nancy Smith-Leslie, Deputy Director, HSD/MAD
Angela Medrano, Bureau Chief, HSD/MAD
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