October 20, 2014

**RE: Developmental Disabilities Waiver Proposed Transition Plan Tribal Consultation Letter 14-13**

Dear Honorable Tribal Leader (I/T/U)

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 is accepting written comments through November 19, 2014**, regarding its Developmental Disabilities Waiver (DDW) Home and Community-Based Services HCBS waiver transition plan which will comply with the Centers for Medicare and Medicaid Services (CMS) Final Rule 2249-F/2296-F’s requirements. HSD does not believe the proposed DDW Transition Plan will have a negative impact to tribes and their healthcare providers, nor to Native Americans who are receiving services through the DDW program.

**Background**
The DDW program provides home and community-based services to eligible recipients who meet both financial eligibility and an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care criteria. The goal of the DDW program is to serve an eligible recipient in his or her community as an alternative to being institutionalized. The Department of Health (DOH) through its Developmental Disabilities and Supports Division (DDSD), administer the day-to-day aspects of the DDW program with oversight from HSD.

On January 16, 2014, CMS issued the HCBS Waiver Final Rule (2249-F/2296-F), effective March 17, 2014 for all 1915 (c) waivers. This new rule requires that eligible recipients served through 1915 (c) waivers must receive services in the community with the same degree of access as people not receiving HCBS. HSD must provide evidence of compliance before March 17, 2019.

The Final Rule (2249-F/2296-F) addresses several sections of Medicaid law under which New Mexico may use federal Medicaid funds to pay for HCBS. The Final Rule (2249-F/2296-F) supports enhanced quality in HCBS programs and adds protections for people receiving HCB services.

**The key components of proposed DDW Transition Plan are as follows:**

1. HSD, in collaboration with DOH, will revise the DDW Service Standards to include requirements of Final Rule (2249-F/2296-F).
2. HSD will launch a DDW provider self-assessment survey to gauge the level of compliance currently in place with Final Rule (2249-F/2296-F).
3. HSD, through DOH, will begin training DDW providers on its new DDW Service Standards.
4. Based on the self-assessment survey results, DOH will provide individual technical assistance to providers to assist them to come into compliance with the revised DDW Service Standards.
5. DOH will conduct DDW provider site surveys beginning in 2017 to ensure full compliance with DDW Service Standards.
6. If a DDW provider fails to fully comply, HSD and DOH will begin the transitioning of eligible recipients to a fully compliant DDW provider.

Tribal Impact: HSD does not anticipate a service or financial impact to individuals, tribes and their healthcare providers based on the proposed DDW Renewal Amendment as listed in 1-6 above.


➢ The new CMS Final Rule 2249-F/2296-F, can be viewed on the CMS webpage at: http://www.medicaid.gov/Medicaid-CHIP-Program-Information/Medicaid-and-CHIP-Program-Information.html.

We welcome your comments and questions regarding this DDW Renewal Amendment those may be sent to our Medical Assistance Division (MAD) 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. All comments will be reviewed and recorded. HSD will incorporate recommended changes to its DDW amendment whenever feasible.

Important Dates:

• Tribal consultation comments will be received through November 19, 2014, to allow time for interested parties to respond.

• All of your comments and responses will be compiled and made available to the public and CMS after December 29, 2014.

• A public hearing on the DDW Renewal Amendment is scheduled be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on December 15, 2014 at 10:00 a.m. Mountain Standard Time (MST).

Thank you in advance for your input and for your continued support of HSD’s Native American initiatives.

Sincerely,

Julie B. Weinberg, Director
Medical Assistance Division
Cc: Nancy Smith-Leslie, Deputy Director, HSD/MAD
    Angela Medrano, Bureau Chief, HSD/MAD/Exempt Services & Programs
    Theresa Belanger, Native American Liaison, HSD/MAD
    Cathy Stevenson, Director, DOH/Developmental Disabilities and Supports Division (DDSD)
    Roberta Duran, Bureau Chief, DOH/DDSD
    Kimberly Riebsomer, Staff Manager, HSD/MAD/ESPB
    Jennifer Rodriguez, DDW Program Manager, DOH/DDSD
    MAD/PPIB – Program Management and Communications Unit