RE: Developmental Disabilities Waiver Amendment Tribal Consultation Letter 14-14

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 Amendment (DDW Amendment) which includes the Centers for Medicare and Medicaid Services (CMS) Final Rule 2249-F/2296-F’s required transition plan. HSD does not believe the Amendment will have a negative impact to tribes and their healthcare providers, nor to Native Americans who are receiving services through the DDW program.

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), administers the day-to-day aspects of the DDW program with oversight from HSD.

The key components of proposed changes under the DDW Amendment are as follows:

1. Increase provider rates for Customized In-Home Supports, Customized Community Supports, and Supported Employment - (Appendix J)
2. Increase the number of eligible recipients served through DDW for waiver years 4 and 5 - (Appendices B and J).
3. Revise the Critical Incident Reporting Processes - (Appendix G).
4. Include the Transition Plan related to the CMS Final Rule 2249-F/2296-F - (Attachment 2 and Appendix C).
5. Update the HSD Administrative Hearing process - (Appendix F-1).

Tribal Impact: HSD does not anticipate a service or financial impact to individuals, tribes and their healthcare providers based on the proposed DDW Amendment as listed in 1-5 above.
The proposed DDW amendment is available on the HSD webpage at: http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx, specifically Letter 14-14.


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 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 Amendment is scheduled be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on December 15, 2014 at 11a.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/ESP
    Jennifer Rodriguez, DDW Program Manager, DOH/DDSD
    MAD/PPIB – Program Management and Communications Unit