March 5, 2014

RE: Mi Via Waiver renewal

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 State’s Tribal Consultation requirements, this letter is to inform you that the New Mexico Human Services Department (HSD), along with the New Mexico Department of Health (DOH), intends to submit a renewal to the Centers for Medicare and Medicaid Services (CMS) on the topic of the Mi Via waiver program, a Medicaid 1915 (c) home and community-based services waiver. As of January 2014, there are 32 Native Americans out of 519 Mi Via waiver participants state-wide. The State is seeking advice or comments from Native American communities on this waiver renewal. This waiver renewal has no negative impact to Native Americans in the Mi Via program.

The primary purpose of this renewal is to allow the State to continue administering the Mi Via program for a period beginning October 1, 2014 thru September 30, 2019. The current waiver will expire on September 30, 2014. Mi Via provides home and community-based services for individuals who meet financial eligibility and an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care criteria. 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. Services provided through Mi Via include: consultant and support guides; customized community supports; employment supports; homemaker/direct support; respite; home health aide; skilled therapy for adults; personal plan facilitation; assisted living; 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 DOH Developmental Disabilities and Supports Division operates the Mi Via waiver with oversight by HSD.
The key components of proposed changes under this renewal are as follows:

1. **The roles and responsibilities of Mi Via Consultants and Support Guides will be enhanced and include more detail.**
   a. Consultants are key to the success of the Mi Via program, and the new detail provided in this waiver renewal clarifies and coordinates their work on behalf of participants. The roles for Consultants and Supports Guides have been spelled out more clearly in terms of assistance in the pre-eligibility phase and with initial orientation and training to participants to self-direct their services. The frequency of face-to-face visits has been increased to quarterly up from twice a year and a monthly check-in is required. Consultant and support guide qualifications and training have been modified and added as well as record keeping requirements.

2. **The requirements for a Customized Community Supports agency provider will be modified.**
   a. The agency is required to have a business license and is no longer required to be a licensed adult day habilitation provider.

3. **The list of qualified providers for Behavior Support Consultation services will be expanded to correspond with New Mexico's licensed mental health provider categories.**
   a. The list of qualifications is expanded to include: Licensed Mental Health Counselors, Licensed Master's of Social Work, Licensed Professional Counselors and Physician's Assistants.

4. **The spending limit for the Environmental Modification (EMOD) service will change. EMODs include the purchase and/or installation of necessary equipment or other physical adaptations to a Mi Via participant's residence.**
   a. The five-year renewable spending limit for EMODs has been changed from $7,000 to $5,000. This brings equity to EMOD spending between the Mi Via program waiver, the Developmental Disabilities waiver, and the Centennial Care Self-Directed Community Benefit.
The current approved Mi Via waiver is available on the HSD Tribal Consultations web page at: http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx.

We welcome your comments/questions on this renewal. Comments will be received through April 11, 2014, to allow time for interested parties to submit their comments. All comments will be reviewed and recorded. HSD will update the waiver renewal application request as necessary based on comments and responses received. All of your comments and responses will be compiled and provided to CMS. This renewal application will be sent to CMS by May 30, 2014.

You may send your comments/questions to our 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.

Thank you in advance for your input and for your continued support of the Department’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
    Shari Roanhorse-Aguilar, Deputy Bureau Chief, HSD/MAD/Exempt Services & Programs
    Theresa Belanger, Native American Liaison, HSD/MAD
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