



State of New Mexico  
Human Services Department  
Human Services Register



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT

**II. SUBJECT**

EMERGENCY RESPONSE SERVICES/  
MI VIA AND CoLTS WAIVERS

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED REGULATIONS

**V. BACKGROUND SUMMARY**

In an effort to control costs, the Medical Assistance Division (MAD) will no longer cover the cost of installing emergency response devices for individuals receiving services through the Mi Via or CoLTS waivers. MAD will continue to cover the cost of testing and maintenance of emergency response equipment, training participants, caregivers and first responders on the use of the equipment, 24 hour monitoring for alarms, checking systems monthly or more frequently, if warranted by electrical outages, severe weather, etc, and reporting participant emergencies and changes in the participant's condition that may affect service delivery.

**VI. REGULATIONS**

These proposed regulation changes refer to 8.314.6 NMAC and 8.307.7 NMAC of the Medical Assistance Program Manual. This register and the proposed changes are available on the Medical Assistance Division web site at <http://www.hsd.state.nm.us/mad/registers/>. If you do not have Internet access, a copy of the regulations may be requested by contacting the Medical Assistance Division at 827-3156.

**VII. EFFECTIVE DATE**

The Department proposes to implement these regulations effective March 15, 2010.

**VIII. PUBLIC HEARING**

A public hearing to receive testimony on these proposed regulations will be held at 11:00 a.m., on January 12, 2010, in the HSD Law Library at Pollon Plaza, 2009 S. Pacheco St., Santa Fe, New Mexico.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

#### **IX. ADDRESS**

Interested persons may address written or recorded comments to:

Kathryn Falls, Acting Secretary  
Human Services Department  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

These comments must be received no later than 5:00 p.m., on January 12, 2010. Written and recorded comments will be given the same consideration as oral comments made at the public hearing. Interested persons may also address comments via electronic mail to: [Magdalena.Romero@state.nm.us](mailto:Magdalena.Romero@state.nm.us).

#### **X. PUBLICATIONS**

Publication of these regulations approved by:

KATHRYN FALLS, ACTING SECRETARY  
HUMAN SERVICES DEPARTMENT

TITLE 8 SOCIAL SERVICES  
CHAPTER 307 COORDINATED LONG TERM SERVICES  
PART 7 BENEFIT PACKAGE

8.307.7.11 SERVICES INCLUDED IN THE COORDINATED LONG TERM SERVICES PROGRAM  
BENEFIT PACKAGE

(4) **Emergency response services (CoLTS MCO):** The benefit package includes emergency response services, including the provision of an electronic device that enables members to secure help in an emergency. The member may also wear a portable “help” button to allow for mobility. The system is connected to the member’s telephone and programmed to signal a response center when the “help” button is activated. The response center must be staffed by trained professionals. Emergency response services include ~~[installing,]~~ testing and maintaining equipment; training members, caregivers and first responders on the use of the equipment; 24-hour monitoring for alarms; checking systems monthly, or more frequently, if warranted by electrical outages, severe weather or other conditions; and reporting member emergencies and changes in the member’s condition that may affect service delivery. Emergency categories consist of emergency response[;] and emergency response high need[;] ~~and emergency response installation/disconnect~~.

[8.307.7.11 NMAC - N, 8-1-08; A, 9-1-09; A, 3-15-10]

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 314 LONG TERM CARE SERVICES – WAIVERS**  
**PART 6 MI VIA HOME AND COMMUNITY-BASED SERVICES WAIVER**

K. **Emergency response services:** Emergency response services provide an electronic device that enables a participant to secure help in an emergency at home and avoid institutionalization. The participant may also wear a portable “help” button. The system is connected to the participant’s phone and programmed to signal a response center when a “help” button is activated. The response center is staffed by trained professionals. Emergency response services include:

- (1) ~~installing,~~ testing and maintaining equipment;
- (2) training participants, caregivers and first responders on use of the equipment;
- (3) twenty-four (24) hour monitoring for alarms;
- (4) checking systems monthly or more frequently, if warranted by electrical outages, severe weather, etc.; and
- (5) reporting participant emergencies and changes in the participant’s condition that may affect service delivery.

[8.314.6.15 NMAC - N, 12-1-06; A, 3-15-10]