



Michelle Lujan Grisham, Governor  
David R. Scrase, M.D., Secretary  
Nicole Comeaux, J.D., M.P.H., Director

November 15, 2019

Interested Parties:

The Human Services Department (the Department), Medical Assistance Division (MAD), is renewing the Mi Via 1915(c) Home and Community-Based Services (HCBS) Waiver.

The State of New Mexico Human Services Department (HSD) through the Medical Assistance Division (MAD) is accepting written and recorded comments for a period of 30 calendar days regarding the Mi Via 1915(c) HCBS waiver renewal application. The purpose of this waiver renewal is to allow the State to continue administering the Mi Via Waiver program beginning October 1, 2020. The current waiver expires September 30, 2020. The State intends to submit its renewal application to the Centers for Medicare and Medicaid Services (CMS) by February 1, 2020.

### **Proposed Modifications to the Mi Via Waiver**

The proposed changes to the Mi Via Waiver under this renewal are described below.

1. Language and acronyms throughout the Mi Via waiver application will be updated for consistency and to align with other 1915(c) HCBS waivers in New Mexico, as appropriate.

*HSD does not anticipate a service or financial impact to participants currently receiving services under approved Service and Support Plans (SSP)/budgets and their healthcare providers.*

2. Appendix B: Participant Access and Eligibility will be updated with a revised definition of Developmental Disabilities used by the State to specify the targeted waiver group and will include the transition plan for implementation of this definition.

*HSD does not anticipate a service or financial impact to participants currently receiving services under approved SSP/budgets and their healthcare providers.*

3. Appendix C: Consultant Services will be revised to incorporate support guide services as part of ongoing consultant services eliminating the need for participants to submit a request for the additional support of guide services and to increase face-to-face consultant visits from four (4) annually to six (6) annually.

*HSD anticipates these changes will impact consultant services for participants currently receiving services under approved SSP/budgets. HSD does not anticipate a financial impact to participants currently receiving services under approved SSP/budgets and their healthcare providers.*

4. Appendix C: Homemaker Services will be revised to clarify that a home is considered agency owned or operated when the participant lives with a person specifically for the purpose of that person providing paid supports to the participant and when the participant would not live with that individual if the person were not being paid to provide services.

*HSD does not anticipate a service or financial impact to participants currently receiving services under approved SSP/budgets and their healthcare providers. This change is further clarification of existing requirements that services be provided in the participant's own home or family home.*

5. Appendix C: In-home Living Supports (IHLS) Service will be revised to clarify the service is an intermittent support service intended to be provided intermittently throughout the day for a minimum of four hours per day up to twenty-four hours per day. Additional clarification will be added that a home is considered agency owned or operated when the participant lives with a person specifically for the purpose of that person providing paid supports to the participant and when the participant would not live with that individual if the person were not being paid to provide services.

*HSD does not anticipate a service or financial impact to participants currently receiving services under approved SSP/budgets and their healthcare providers. This change is further clarification of existing requirements that services be provided in the participant's own home or family home.*

6. Appendix C: IHLS provider agency requirements will be updated to include completion of state required trainings; compliance with Department of Health (DOH) Division of Health Improvement (DHI) provider surveys; and records maintenance of provider qualifications for all staff and contractors who provide direct service to participants.

*HSD anticipates an impact for existing participants and their healthcare provider as providers come into compliance with the updated requirements.*

7. Appendix E: Participant Direction of Services will be revised to clarify who may be designated to direct waiver services on a participant's behalf. Only a legal representative may be designated to direct services on a participant's behalf.

*HSD anticipates an impact for existing participants upon their annual SSP/budget renewals.*

8. Appendix G: Participant Safeguards. Abuse, Neglect, and Exploitation (ANE) training requirements for consultants, Employers of Record, participants, and employees will be revised. Consultants will complete DOH train the trainer courses to ensure each consultant agency has a certified ANE trainer on staff. All Employers of Record and employees will complete DOH approved ANE training either through the Consultant Agency certified trainer or online training.

*HSD anticipates an impact for existing participants and their healthcare provider as providers come into compliance with the updated requirements.*

These proposed amendments will be available November 15, 2019 on the HSD website at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have Internet access, a copy of the proposed changes may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these changes effective October 1, 2020. A public hearing to receive testimony on this amendment will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail, Santa Fe, NM 87501, Room 311 on Wednesday, December 18, 2019 at 9:00 a.m., Mountain Time (MT).

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. MT on Wednesday, December 18, 2019. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

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 MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.