

Public Comments: Waiver Renewal

State of New Mexico Mi Via Waiver NM.0448

Human Services Department, Medical Assistance Division

11/1/2014

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The State secured public input during the development of the Mi Via waiver renewal. From September 2013 through October 2014, HSD and DOH solicited input via multiple forums including: state-wide informational meetings, mailings, emails, newspaper announcements, web postings, and public hearings.

Date, Location, Mode & Staff Conducting	Public Comments	State Response
<p>September 10, 2013 Mi Via Advisory Committee-Renewal Task Force</p> <p><u>Phone Conference:</u> Andrew Conticelli & Pat Syme, DOH/DDSD, Stevie Bass, MVAC Chairperson, Doris Husted, MVAC Vice Chairperson, Andy Looney, Guy Surdi, Carol Watts, MVAC members.</p>	<p>Comments:</p> <ul style="list-style-type: none"> • Changes were generally acceptable to the Task Force • Need to reach out to tribes 	<p>State response: Tribal, Indian Health Service and Urban Indian health programs were invited separately and apprised of the schedule for the public meetings and proposed changes.</p>
<p>September 10, 2013 Consultant Agency Feedback</p> <p><u>Phone Conference:</u> Andrew Conticelli & Pat Syme, DOH/DDSD, Sergio Garcia, Los Amigos, Gale Idstein, Donna Reed, Annie and Rob, CNRAG, Carol Watts, Sandra Woodward, Jake Patterson, CDPC, Pam Crumpler, Dave Murley AAA, Sandy Skaar, Janeth Montoya, Self-Directed Choices, Tanya McCue, CDD</p>	<p>Comments:</p> <ul style="list-style-type: none"> • Changes were generally acceptable to the group 	
<p>September 25, 2013 Public Comments Southwest Region <i>Branigan Library, Las Cruces NM</i></p> <p><u>Staff conducting:</u> Andrew Conticelli, Mi Via Program Manager, DOH/DDSD, Pat Syme, Community Inclusion Bureau Chief, DOH/DDSD, Scott Turner, Mi Via Staff Manager/HSD</p>	<p>Comments:</p> <ul style="list-style-type: none"> • Leveling of Environmental Modifications with other Waivers is a good idea 	

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<p>September 30, 2013 Comments submitted by AAA Participant Direction <i>Letter</i></p>	<p>Comments:</p> <ul style="list-style-type: none"> Request that the person who provides self-direction in the renewed waiver be known as a Support Broker rather than a Consultant 	<p>State response: The term “Consultant” will remain in use to be consistent with New Mexico Administrative Code 8.314.6 and Mi Via Service Standards</p>
<p>September 30, 2013 Public Comments Metro Region <i>Presbyterian Savage Auditorium, Albuquerque, NM</i></p> <p><u>Staff conducting:</u> Andrew Conticelli, MI VIA Program Manager, Pat Syme, Community Inclusion Bureau Chief DOH/DDSD, Patricia Lopez, Mi Via FMA Contract Manager/ HSD</p>	<p>Comments:</p> <ul style="list-style-type: none"> Concern expressed that lowering of Environmental Modification benefits may hamper ability to perform quality work and complete work. 	<p>State response: The benefits for Environmental Modifications is being lowered from seven thousand dollars (\$7000) over a five year period to five thousand dollars (\$5000) over a five year period, to bring it in line Environmental Modification benefits on the DD waiver side.</p>
<p>October 2, 2013 Public Comments Northwest Region <i>Gateway Museum, Farmington, NM</i></p> <p><u>Staff conducting:</u> Andrew Conticelli, MI VIA Program Manager, Pat Syme, Community Inclusion Bureau Chief DOH/DDSD, Patricia Lopez, FMA Contract Manager/ HSD</p>	<p>Comments:</p> <ul style="list-style-type: none"> Concern expressed with the decrease in Environmental Modification benefit to five thousand (\$5000) every five (5) years as costs are already high and may discourage vendors <p>Questions:</p> <ul style="list-style-type: none"> Will budget annual amounts/allotments change with renewed Waiver? 	<p>State response: The benefits for Environmental Modifications is being lowered from seven thousand dollars (\$7000) over a five year period to five thousand dollars (\$5000) over a five year period, to make it equitable to level of Environmental Modification benefits on the DD waiver side.</p> <p>State response: The State does not anticipate any changes to the Individual Budgetary Allowance.</p>
<p>March 5, 2014 Written Tribal Consultation Letter 14-03</p> <p><u>Sent:</u> To New Mexico’s Indian Nations, Tribes, Pueblos, and their healthcare providers</p>	<p>Comments:</p> <ul style="list-style-type: none"> There were no public comments submitted via mail, email, phone or fax 	
<p>April 24, 2014 Mi Via Advisory Committee Albuquerque, NM</p>	<p>Comments:</p> <ul style="list-style-type: none"> Concern expressed that the Waiver Renewal will have impact on the budget years for Mi Via participants 	<p>State response: The State clarified that the Waiver Renewal will have no impact on the</p>

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<p><u>Attendees:</u> Tony Chavez, Pat Maguire Syme, Doris Husterd, Stevie Bass, Jacob Patterson, Guy Surdi, Heather Ingram, Patricia Lopez, Shari Roanhorse-Aguilar, Kim Shipman, Brittney Foss, Orlando Vasquez, Leslie Martinez, Chris Futey</p>		<p>budget years for Mi Via participants.</p>
<p>June 9, 2014 Written Tribal Consultation Letter 14-06</p> <p><u>Sent:</u> To New Mexico's Indian Nations, Tribes, Pueblos, and their healthcare providers</p>	<p>Comments:</p> <ul style="list-style-type: none"> Acting Program Director would like to know who provided the analysis to eliminate assisted living. Acting Director does not support this service being eliminated (from Five Sandoval Indian Pueblos Health Services) 	<p>State response: The analysis of service utilization was conducted by the Human Services Department, Medical Assistance Division. The data included expenditures from October 1, 2011 thru April 30, 2014 which indicated zero utilization of the Assisted Living service by recipients enrolled in the Mi Via program (New Mexico 1915 (c) home and community-based waiver 0448).</p>
<p>July 17, 2014 Public Hearing Waiver Renewal Changes <i>Santa Fe, NM</i></p> <p><u>Staff Conducting:</u> Sharilyn Roanhorse-Aguilar, Deputy Bureau Chief ESPB/HSD, Melanie Buenviaje, Staff Manager Mi Via, ESPB/HSD, Roberta Duran, Bureau Chief, DOH, Christine Wester, Program Manager Mi Via, DOH</p>	<p>Comments:</p> <ul style="list-style-type: none"> Is it possible to access the "analysis of the assisted living service [which] determined that it is not conducive to individuals with developmental disabilities?" Was a similar analysis done for people who are medically fragile? What is the difference between folks choosing to use a service and it being determined that the service isn't "conducive" for them (as stated)? <i>(from Mi Via Advisory Committee member)</i> 	<p>State response: The analysis of service utilization data included Medicaid expenditures from October 1, 2011 thru April 30, 2014 which indicated zero utilization of the Assisted Living service by recipients (DD and MF) enrolled in the Mi Via program. Mi Via participants have not utilized this particular service since 2011 despite its availability. In addition, there continues to be the expectation by the CMS that participants have full access to benefits of community living and the opportunity to receive services in the most integrated settings. The rules put forth have set the expectation for all</p>

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		<p>states to focus their efforts on providing home and community based services through integrated community based settings rather than through segregated and/or facility based settings. The zero utilization of this service since 2011 combined with the efforts of the state to meet the rules/expectations put forth by CMS on a national level regarding community integration provides indication this service is not of interest to those receiving Mi Via Home and Community Based Waiver services.</p>
<p>July 24, 2014 Mi Via Advisory Committee Plaza La Prenza, Santa Fe</p> <p><u>Attendees (in person):</u> Tony Chavez, Doris Husted, Stevie Bass, Christine Wester, Guy Surdi, Heather Ingram, Melanie Buenviaje, Shari Roanhorse, Kim Shipman, Brittney Foss, Roberta Duran, Debbie Kinney, and Daniel De Paula, Imelda Garcia and Gerald Garcia <u>Via Telephone:</u> Jennifer Hall (new Committee member), Althea McLuckie called in for the meeting and due to telephone issues in the meeting space, opted not to attend the meeting. Nadine Maes attended by phone.</p>	<p>Comments:</p> <ul style="list-style-type: none"> Recommendation was made that documentation reflects the change in Environmental Modifications from seven thousand dollars (\$7000) to five thousand dollars (\$5000) every five (5) years was done to make this benefit consistent with the DD Waiver benefit 	<p>State response: Documentation sent to interested parties will reflect the change in Environmental Modifications is to bring this service to the same level as the Environmental Modification benefits on the DD waiver side.</p>
<p>September 12, 2014 Written Tribal Consultation Letter 14-11</p> <p><u>Sent:</u> To New Mexico's Indian</p>	<p>Comments:</p> <ul style="list-style-type: none"> Will changes in the waiver renewal impact the Personal Care Options Program at Isleta Elder Center? (from Isleta Pueblo) 	<p>State response: Mi Via Waiver and HCBS Transition Plan, including changes to Mi Via Customized</p>

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<p>Nations, Tribes, Pueblos, and their healthcare providers</p>		<p>Community Group Support services, does not affect the PCO program. It is important to note that the Mi Via program serves developmentally disabled/medically fragile populations; whereas PCO is a program for individuals that meet a nursing facility level of care. Isleta Elder Care PCO program does not provide Mi Via services.</p>
<p>September 12, 2014 Public Notice Waiver Renewal Letter</p> <p><u>Sent:</u> To All interested parties via email and the United State Postal Service. Interested parties and stakeholders included: Mi Via participants, individuals on the Central registry who are individuals that are potential participants, providers, families of participants, and advocacy groups. The Letter included the URL where the public could view the complete waiver. Public comments could be submitted via mail, email, fax, phone, and through a public hearing held on October 14, 2014.</p>	<p>Comments:</p> <ul style="list-style-type: none"> • How will the removal of Assisted Living affect Mi Via participants? (call in from participant parent on 10/01/2014) • What are environmental modifications and how will the decrease in funds affect Mi Via participants? (call in from participant parent on 10/01/2014) 	<p>State response: The analysis of service utilization was conducted by the Human Services Department, Medical Assistance Division. The data included expenditures from October 1, 2011 thru April 30, 2014 which indicated zero utilization of the Assisted Living service by recipients enrolled in the Mi Via program (New Mexico 1915 (c) home and community-based waiver 0448). There will be no immediate affect to Mi Via participants as no participants are using this service.</p> <p>State response: Environmental modification services include purchase and/or installation of equipment or making physical adaptations to a participants residence that are necessary to ensure health, welfare or safety. The benefits for Environmental Modifications is being lowered from seven thousand dollars (\$7000) over a five year period to five thousand dollars (\$5000) over a five year period, to make it equitable to the level as the Environmental Modification benefits on the DD waiver side.</p>

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	<ul style="list-style-type: none"> • Are Mi Via Services/Waiver ending? (call in from provider agency on 10/2/2014) • Are Mi Via Services/Waiver ending? (call in from provider agency on 10/8/2014) • Why did I get this letter? My child is not on Mi Via or receiving any waiver services. (call in from parent on 10/01/2014) 	<p>An analysis of utilization of environmental modifications over a two year period showed that average utilization per participant fell below \$5000.00 over a 5 year period.</p> <p>State response: Mi Via Waiver Services are not ending. The Waiver is under renewal.</p> <p>State response: Mi Via Waiver Services are not ending. The Waiver is under renewal.</p> <p>State response: The Mi Via Public Notice of Waiver Renewal was sent to all parties interested parties. Your child in the Central Registry Waitlist. The letter was sent to the top 300 applicants on the Central Registry. Any changes to the Waiver will not affect you child directly.</p>
<p>October 14, 2014 Public Hearing Waiver Renewal Santa Fe, NM</p> <p><u>Attendees:</u> Jennifer Chavez, Cecilia Salazar, Magdalena Romero, Christine Wester, Regina Lewis, Roberta Duran, Shari Roanhorse Aguilar, Melanie Buenviaje; General public/interested parties</p>	<p>Comments:</p> <ul style="list-style-type: none"> • The decrease in funding of environmental modifications from seven thousand dollars (\$7000.00) over a five year period to five thousand dollars (\$5000.00) over a five year period may negatively impact the ability of participants living in rural areas as they may not be able to find providers willing to complete environmental modifications for the amount of five thousand dollars (\$5000.00). • Question from DOH: Can occupational therapy assistants, physical therapy assistants, or speech clinical fellows provide Skilled Therapy Services? 	<p>State response: The benefits for Environmental Modifications is being lowered from seven thousand dollars (\$7000) over a five year period to five thousand dollars (\$5000) over a five year period, to be equitable to level of Environmental Modification benefits on the DD waiver. A review of environmental modification claims over the past two years showed an average utilization of under \$5000 per participant.</p> <p>State response: Occupational therapy assistants, physical therapy assistants, and speech clinical fellows with the appropriate certification from the New Mexico Regulation and</p>

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	<ul style="list-style-type: none"> • Question from the Department of Health: The waiver states that the hippotherapy is a physical, occupational, and speech-language therapy treatment strategy. What are the provider qualifications for this service? • Question from the Department of Health: NMAC 8.316.15 H (2)(f) states that for Emergency Response Services, “ongoing emergency response is covered, but initial set up and installation is not.” Under the pending waiver renewal Emergency Response Service definition, installation is included. Is install included for Emergency Response Services? • Question from the Department of Health: What are the qualifications for Dietitians providing Nutritional Counseling Services? 	<p>Licensing Department can provide Skilled Therapy Services. The waiver will be updated to reflect these requirements for occupational therapy assistants, physical therapy assistants, and speech clinical fellow providers.</p> <p>State response: A provider for hippotherapy must be a health care professional licensed in physical, occupational, and speech therapy whose scope of practice includes hippotherapy, and appropriate specialized training and experience. The waiver will be updated to reflect this requirement for hippotherapy providers.</p> <p>State response: NMAC 8.316.15 H(2)(f) is correct. Installation is not covered for Emergency Response Services. The waiver will be updated to reflect that testing and maintaining equipment; training participants, caregivers and first responders on the use of equipment; twenty four hour monitoring for alarms are covered but installation is not covered for this service.</p> <p>State Response: Providers of Nutritional Counseling Services must be registered as a Dietitian by the Commission on Dietetic Registration of the American Dietetic Association; licensed per the New Mexico Regulation and Licensing Department; Nutrition and Dietetics Practice Act, NMSA 1978 Section 617A-1 et seq. The waiver will be updated to reflect</p>
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