

March 16, 2020

Interested Parties:

RE: NM.017.05.04 Medically Fragile Waiver Amendment and Fee Schedule

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 ending at **5:00 p.m. Mountain Time (MT) Wednesday, April 15, 2020** regarding the Medically Fragile Home and Community-Based Services (HCBS) 1915 (c) Waiver amendment and proposed fee schedule.

The State intends to submit this amendment to the Centers for Medicare and Medicaid Services (CMS) in April 2020.

The key components of proposed changes under this waiver amendment are as follows:

1. Update to the developmental disabilities eligibility definition to functional versus a categorical eligibility criteria. The State found that national best practice is to utilize a “functional” criterion that is based on adaptive abilities. Updates were made to Appendix B-1-b.

Impact: *HSD does not anticipate a service or financial impact to participants currently receiving services. HSD anticipates a positive impact to applicants to the Medically Fragile Waiver who may be eligible for services under the functional definition of developmental disabilities.*

2. Implement a rate increase, effective July 1, 2020 for Case Management, Home Health Aide, Nutritional Counseling, Occupational Therapy, Physical Therapy, Speech Language Pathology, Private Duty Nursing and Behavioral Support Consultation. The rate increase is based on a 2019 rate study conducted by the Department of Health. Updates were made to Appendix I-2, J-2-c(i), and J-2-d(i).

Impact: *HSD anticipates a positive financial impact to MFW service providers.*

These proposed 1915 (c) Home and Community Based Services Medically Fragile Waiver Amendment Application will be available March 16, 2020 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.

A public hearing to receive testimony on this application will be held via conference call at 10:00 a.m., Mountain Time (MT) **on Wednesday, April 15, 2020**. **The conference call toll-free number is: 1-800-747-5150, Access code: 0440241**. 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. Written mail, electronic mail and recorded comments must be received no later than **5:00 p.m. Mountain Time (MT) on Wednesday, April 15, 2020**. 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.