



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

September 9, 2021

Interested Parties:

The Human Services Department (the Department), Medical Assistance Division (MAD), is seeking approval of the State of New Mexico's amended Home and Community Based Services (HCBS) Waiver Settings Statewide Transition Plan (STP).

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 submission of the State's amended HCBS Waiver Settings STP. This STP includes the following HCBS waiver programs: Developmental Disabilities (DD) waiver, Mi Via waiver, Medically Fragile waiver, and Centennial Care section 1115 waiver. Amendments to the STP are required in order to support the State's efforts to align waiver programs related to HCBS with the Centers for Medicare and Medicaid Services (CMS) Final Rule 2249-F/2296-F.

The key components included in the proposed changes under this Statewide Transition Plan amendment are to incorporate and address overall comments from CMS regarding completion of site-specific assessments of home and community-based settings; necessary strategies for validating the assessment results; the outcomes of these activities, including remediation strategies that will resolve issues identified by the site-specific settings assessment process and validation activities; a plan for identifying and evaluating settings that are presumed to have institutional characteristic; and development of a communication process for beneficiaries who are currently receiving services in settings that the State has determined cannot or will not come into compliance with the home and community-based settings final rule. In addition, the State outlined ongoing monitoring and quality assurance processes that will ensure all settings providing home and community services (HCBS) continue to remain fully compliant with the rule.

The STP is available on the HSD website at <https://hsd-cf.rtscustomer.com/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>.

Please use the Microsoft Edge or Google Chrome internet browser to access and navigate the website. Internet Explorer may not display the full HSD website.

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 State intends to submit the waiver application to the Centers for Medicare and Medicaid Services (CMS) by October 15, 2021 for an approval date of January 1, 2022.

A public hearing to receive testimony will be **held via conference call at 10:00 a.m., Mountain Time (MT) on Tuesday, October 12, 2021.** The conference call toll-free number is: **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) Tuesday, October 12, 2021.** 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.