



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

March 29, 2022

**RE: Tribal Notification to Request Advice and Comments Letter 22-12: State of New Mexico's 1915(c) Home and Community Based Services (HCBS) Waiver Amendments**

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Human Services Department's (HSD's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is seeking approval from the Centers for Medicare and Medicaid Services regarding amendments to New Mexico's Home and Community-Based Services (HCBS) 1915(c) Waivers: Developmental Disabilities Waiver (DDW); Medically Fragile Waiver (MFW); Mi Via Waiver; and Supports Waiver.

The State intends to submit the amendments to the Centers for Medicare and Medicaid Services (CMS). The key components of proposed changes under the waiver amendments are as follows:

1. Implement Phased Economic Recovery Payments for all HCBS direct service providers of 10% payment in year one of the amendment and 5% payment in year two of the amendment.
2. Temporary increase to Environmental Modifications benefit limits from \$5000 to \$6000 every 5 years through March 2024.
3. Update unduplicated recipient counts (UDR) as a result of increase to the number of 1915(c) HCBS waiver slots to reduce or eliminate the waitlist in DDW and Mi Via Waiver.
4. Implement a rate increase in the DDW, effective July 1, 2022 for the following services: Behavioral Support Consultation Standard, Behavioral Support Consultation Incentive, Customized In-Home Supports Individual, Community Inclusion Aide; Customized In-Home Support Family Supports, Customized In-Home Support Living Independently, Family Living, Family Living Jackson Class, Adult Nursing RN, Adult Nursing LPN, Respite, Occupational Therapy, Occupation Therapy Assistant; Physical Therapy, Physical Therapy Assistant, Speech Language Pathology, and Speech Language Pathology Assistant.
5. Implement a rate increase in the Mi Via Waiver, effective July 1, 2022 for the following services: Consultant Services and In-Home Living Support services.
6. Temporary increase Assistive Technology allowance up to \$750 through March 2024 in the Developmental Disabilities Waiver.
7. Increase Transportation Mile to \$0.44 per mile from \$0.41 per mile in the DDW, Mi Via, and

Supports Waiver to align the rate with other Medicaid programs.

8. Clarify language added that Living Supports and Adult Nursing services under the DDW can also be provided by physician service agencies.

### **Estimated Total Financial Impact**

HSD anticipates a financial impact of \$73,906,000,00 in General Fund dollars.

### **Tribal Impact**

There are 477 self-identified Native American participants and members on the Developmental Disabilities (DD) waiver, Mi Via waiver, Medically Fragile waiver, and Supports Waiver. HSD anticipates a positive impact to participants, members, to tribes and their healthcare providers who provide services in these programs

### **Tribal Advice and Comments**

Tribes and tribal healthcare providers may view the proposed amendments to New Mexico's Home and Community-Based Services (HCBS) 1915(c) Waivers: Developmental Disabilities Waiver (DDW); Medically Fragile Waiver (MFW); Mi Via Waiver; and Supports Waiver on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. **Notification Letter 22-12.**

**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.**

A written copy of these documents may be requested by contacting the HSD Medical Assistance Division (HSD/MAD) in Santa Fe at (505) 827-1337.

### **Important Dates**

A public hearing to receive testimony will be **held via conference call at 10:00 a.m., Mountain Time (MT) on May 30, 2022.** The conference call toll-free number is: **800-747-5150, Access Code: 0440241.**

Written advice and comments must be received no later than **5:00 p.m. Mountain Time (MT) on May 4, 2022.** Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to [theresa.belanger@state.nm.us](mailto:theresa.belanger@state.nm.us).

All comments and responses will be compiled and made available after the public hearing.

Sincerely,



Nicole Comeaux, J.D., M.P.H, Director  
Medical Assistance Division