



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

April 29, 2022

Interested Parties:

The Human Services Department (the Department), 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.

Impact: *HSD anticipates a positive impact to 1915(c) HCBS direct service providers.*

2. Temporary increase to Environmental Modifications benefit limits from \$5000 to \$6000 every 5 years through March 2024.

Impact: *HSD anticipates a positive impact to 1915(c) HCBS waiver participants.*

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.

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

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.

Impact: *HSD anticipates a positive financial impact to 1915(c) HCBS waiver direct service providers.*

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.

Impact: HSD anticipates a positive financial impact to 1915(c) HCBS waiver direct service providers.

6. Temporary increase Assistive Technology allowance up to \$750 through March 2024 in the Developmental Disabilities Waiver.

Impact: HSD anticipates a positive impact to DDW participants.

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.

Impact: HSD anticipates a positive impact to Transportation Mile providers.

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

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Impact: HSD anticipates a positive impact to participants receiving Living Supports and Adult Nursing services.

The waiver amendments are available on the HSD website at <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-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.

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**.

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 May 30, 2022**. 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.