

# NMAC

## Transmittal Form

2018 NOV 14 AM 9:46

Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action:  New  Amendment  Repeal  Emergency  Renumber  (ALD Use Only) Most recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):  Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes  No  Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes  No  Public domain

### Concise Explanatory Statement For Rulemaking Adoption:

#### Specific statutory or other authority authorizing rulemaking:

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

#### Findings required for rulemaking adoption:

##### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Rules were updated to align services and definitions with the approved Developmental Disabilities Home and Community-Based Services (HCBS) Waiver and the Centers for Medicare and Medicaid Services HCBS Settings Final Rule. Due to the amount of changes and cost efficiency the rule was repealed/replaced. Written comments were received from two organizations.

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7/1/2018

**Findings required for rulemaking adoption:**

continued

The Department agreed with written comments and changed the final rule as follows: remove public health administration degree as a qualifying credential for a Socialization and Sexuality Education Provider; insert the words "person centered" in reference to the participant planning process for developing a proposed budget level for waiver services; replace the phrase "assumptions about types and amounts of services" with "typical services options" in accordance with the waiver program service standards; and, under Customized Community Supports, insert the word "classroom" to align the service description in the approved waiver. No further changes were made to the proposed rule in response to public comments due to compliance with federal definitions, federal rules, waiver program service standards, and the approved waiver application.

**Issuing authority (If delegated, authority letter must be on file with ALD):**

**Name:**


Brent Earnest

**Check if authority has been delegated**

**Title:**

Secretary

**Signature: (BLACK ink only)**



**Date signed:**

11/9/18