



Susana Martinez, Governor  
Brent Earnest, Secretary  
Nancy Smith-Leslie, Director

TO: All Interested Parties

FROM: *NSL* Nancy Smith-Leslie, Director

DATE: August 30, 2018

RE: **Clarification to Notice of Public Comment dated August 22, 2018 -  
NM.0173.R06.00 Developmental Disabilities Waiver Amendment and Fee Schedule**

On August 22, 2018, the State of New Mexico Human Services Department (HSD) through the Medical Assistance Division (MAD) released a Notice of Public Comment regarding the Developmental Disabilities Home and Community-Based Services (HCBS) 1915 (c) Waiver amendment and fee schedule.

HSD/MAD received feedback that the table included in the notice was unclear. HSD/MAD wanted to clarify that **the number of recipients being served through the DD waiver is not being reduced**. HSD/MAD would also like to clarify the following important points regarding the federal waiver requirement to project an **Unduplicated Number of Participants (UDR)** with its DD waiver amendment submission:

1. The UDR count is a projection of future allocations to the DD waiver and developed based on information that is available at the time of the projection. In State Fiscal Year (SFY) 2016, HSD/MAD projected the UDR count for the DD waiver based on data and information that was available at that time for SFYs 2017-2021.
2. The table provides a comparison between a projected number to be served and the actual number that were served. To develop the projection, HSD/MAD estimates the amount of the general fund appropriation for the DD waiver in future years, the number of waiver allocations that may be provided in future years, and the number of transfers between the DD waiver and the Mi Via self-directed waiver. If the actual general fund amount appropriated for the DD waiver is less than projected, then the number of participants served will be fewer than the UDR projection.
3. When the number of participants served is fewer than the UDR projection, HSD/MAD is required by the Centers for Medicare and Medicaid Services (CMS) to update its UDR projection for future years accordingly. It cannot update retrospective years.

The updated table below reflects the following information by DD Waiver Year:

- the actual number of participants served;
- the projected UDR count by year; and
- the updated UDR count for Waiver Years 3, 4 and 5. Because the UDR count cannot be amended retrospectively, Waiver Years 1 and 2 remain unchanged from the original projection.

<b>DDW NM. 0173.R06: Unduplicated Number of Participants (UDR)</b>			
<b>Waiver Year</b>	<b>Number of DD Waiver Participants Served</b>	<b>Projected UDR count in DD Waiver</b>	<b>Amended UDR Count</b>
Year 1 (State Fiscal Year 2017- 07/01/16-06/30/17)	3,577	4,618	Change not allowed by CMS
Year 2 (State Fiscal Year 2018- 07/01/17-06/30/18)	3,306*	4,834	Change not allowed by CMS
Year 3 (State Fiscal Year 2019- 07/01/18-06/30/19)	Not yet available	4,809	3,564
Year 4 (State Fiscal Year 2020- 07/01/19-06/30/20)	Not yet available	4,784	3,679
Year 5 (State Fiscal Year 2021- 07/01/20-06/30/21)	Not yet available	4759	3,810

\*The decrease in the number of DD waiver participants served is due primarily to transfers to the Mi Via self-directed waiver and attrition.

**Impact:** *The number of DD waiver participants currently being served is not being reduced. There is not a decrease in services or a financial impact to participants currently receiving services under approved Individual Service Plans/budgets or to their healthcare providers.*

The State intends to submit the DD waiver amendment to the CMS in October 2018.

The draft waiver renewal application and proposed fee schedule is available on the HSD webpage at: <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>

### IMPORTANT DATES

- Written comments must be submitted by 5:00 p.m. Mountain Daylight Time (MDT) on **Monday, September 24, 2018**. Comments may be submitted as follows:

By mail to:  
Annabelle Martinez, Human Services Department  
Medical Assistance Division  
Exempt Services & Programs Bureau  
P.O. Box 2348  
Santa Fe, New Mexico 87504.

Recorded messages may be left at:  
(505) 476-7251

Emails may be directed to:  
[madrules@state.nm.us](mailto:madrules@state.nm.us)

- A public hearing for HSD to accept comments on the DDW amendment is scheduled to be held from **10:00 am to 11:00 am on Monday, September 24, 2018 at the Toney Anaya Building, Rio Grande Room (2nd Floor), 2550 Cerrillos Road, Santa Fe, New Mexico.**
- All public comments and HSD responses will be compiled and posted on the HSD website following the public hearing.

CC: Jim Copeland, Director, Developmental Disabilities Supports Division (DDSD),  
Department of Health (DOH)  
Robert Duran, Deputy Director, DDSD/DOH  
Jennifer Rodriguez, Bureau Chief, DDSD/DOH  
Sharilyn Roanhorse-Aguilar, Bureau Chief, MAD/HSD  
Annabelle Martinez, Staff Manager, MAD/HSD  
Christina Hill, Program Manager, DDSD/DOH