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NMAC

Transmittal Form



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 Renummer (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

Specific statutory or other authority authorizing rulemaking:

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. Written comments were received from two organizations.

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

Concise Explanatory Statement For Rulemaking Adoption:

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.

The Department agreed with written comments and changed the final rule as follows: Include the phrase "or have a high school diploma or GED and a minimum of six years of direct experience related to the delivery of social services to people with disabilities."

Reinstate 8.314.5.11 (D) 4: Case Management provider agencies must disclose to both DDS and to people supported by their agency any familial relationships between employees/subcontract case managers and providers of other DD Waiver services.

Added language "Nursing services may be delivered in person and via remote or telehealth services. Individuals and their Health Care decision makers will be informed of telehealth service and technology as part of the ISP process."

Added language "Therapy services may be delivered in an integrated setting, clinical setting, or through telehealth as appropriate and will support the use of assistive or remote personal support technology as needed. Individuals and their Health Care decision makers will be informed of telehealth service and technology as part of the ISP process."

Corrected typo 8.315.5.10 to 8.314.5.10. Correction made from Education of the Handicapped Act to Individuals with Disabilities Education Act (IDEA).

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:

David R. Scrase

Check if authority has been delegated

Title:

Secretary

Signature: (BLACK ink only)

Date signed:

DocuSigned by:
David Scrase

3/2/2022

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