STATE PLAN UNDER TITLE XIX THE SOCIAL SECURITY ACT

State/Territory: New Mexico

CATEGORICAL DETERMINATIONS

A. The state mental health or intellectual disability authority may make an advanced determination that nursing facility (NF) services are needed for the following groups of applicants for NF care:

1. **Convalescent care**: The applicant is admitted directly to a NF from a hospital for convalescent care for an acute physical illness under the following circumstances:
    a. the individual's attending physician has certified before admission to the facility that the individual is likely to require less than 30 days of nursing facility services.
    b. convalescent care is required to treat a condition other than the one that resulted in the hospital admission.

2. **Terminal illness**: as defined for hospice purposes in 42 CFR §418.3.

3. **Severe physical illness**: such as coma, ventilator dependence, functioning at a brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure which result in a level of impairment so severe that the individual is determined to need NF services.

4. **Provisional admissions**:
    a. pending further assessment accurate diagnosis cannot be made until the delirium clears, not to exceed 30 days;
    b. pending further assessment in emergency situations requiring protective services, not to exceed 7 calendar days from admission;

5. **Respite**: the individual is admitted for a very brief and finite stay, not to exceed 14 days, for the purpose of providing respite to in-home caregivers. The individual is expected to return home after this brief stay.

B. The state mental health and intellectual disability authorities may make categorical determination that specialized services are not needed in the provisional, emergency and respite admissions situations identified 42 CFR §483.130(d)(4)-(6).

C. The state mental health and intellectual disability authorities may make categorical determinations that individuals with dementia, which exists in combination with intellectual disability or related condition, do not need specialized services.