

Public Comments: Proposed Mi Via Waiver, Developmental Disabilities Waiver, and Medically Fragile Waiver Amendment Application

The State secured formal public input during the 2024 Mi Via, Developmental Disabilities Waiver, and Medically Fragile Waiver 1915 (c) Waiver amendment application process from July through August 23rd, 2024. The Health Care Authority solicited public input via multiple avenues including mailings, emails, newspaper announcements, web postings, and statewide public forums.

Commenter	Public Comment	State Response
Provider	<p>Comment:</p> <ul style="list-style-type: none"> • The rate increases hopefully will incentivize travel to rural clients who travel to rural clients. Who historically lack nursing support in home. • EPSDT rates need to be comparable to MFW • With the rates increases budget caps need to be explored including the MFW • Respite is a significant concern. A respite facility with skilled care might be needed. Explore the reason for lack on respite facility providers 	<p>State Response:</p> <p>The state thanks you for your comment related to respite. All input is appreciated and considered for future waiver amendments/renewals. The Developmental Disabilities Supports Division (DDSD) does not set rates for EPSDT, only the Medically Fragile Waiver rates. With any rate increase, total budget allotments, when they exist, will be increased to accommodate increased rates.</p>
Family Representative	<p>Comment:</p> <ul style="list-style-type: none"> • Gave experience of her adopted children in the waivers • Concern with rates and must have 40hrs a week with a RN but with the increase salary of the RN by the state they did not increase the amount of money given to the agency for salary in the budget so its shorts them 4 hours a week. • Hope that the MFW will continue and to be separate from the DDW so that the program of choice could fit the need of the children and the level of commitment and need of the family to try to give children a loving home 	<p>State Response:</p> <p>The state thanks you for your comments relating your experiences with the waivers.</p> <p>The Developmental Disabilities Supports Division (DDSD) sets rates and reimbursement is paid directly to provider agencies. Provider agencies use that reimbursement to pay their staff. Per labor laws, DDSD can not determine what amount provider agencies reimburse their staff with. For budget specifics, please work with your case manager.</p> <p>Currently there are no plans or discussions to combine the Medically Fragile Waiver (MFW)</p>

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		with the Developmental Disabilities Waiver (DDW).
Provider	<p>Comment:</p> <ul style="list-style-type: none"> • Need for better facilitation of collaboration between MCO and waiver programs. The annual in-home assessment (Mi Via) conducted by goodwill should be replaced by the MCO comprehensive needs Assessment. Goodwill is a poor vendor who is always running behind and causes late LOC approvals. • Mi Via needs to stay standalone managed by DDSD/HCA and not put under the MCOs as this population is often served better under state agencies than by for profit driven insurance companies. • Maximum caseloads for Mi Via consultants should be lowered to 40 for better coverage and responsiveness. • HCA should contract with more Financial Management Agencies as the current setup of one provider allows slow and poor services without the possibility of utilizing other options. Resulting in delays of payment and loss of providers. 	<p>State Response:</p> <p>The state thanks you for your comment. The state is always looking at ways to improve performance of their contractors/sub-contractors and input from the field is helpful insight.</p> <p>Currently there are no plans or discussions to change the management for the Mi Via Waiver and the other 1915(c) waivers.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>
Provider Agency	<p>Comment:</p> <ul style="list-style-type: none"> • Compensation for Therapy services have decreased 5.72% and 5.77 for COTA creating challenges for recruitment. • Compounding these issues delays in budget approvals are impacting provision of services along with negatively affecting income of the practitioners making a career in the DDW unstable. • There is significant income disparity in the proposed rate study recommendations indicating SLP increase 22% higher than OT and a PT rate increase of 24% higher than OT. OT is vital to the DDW 	<p>State Response:</p> <p>Therapy rates have not decreased. <i>Temporary</i> American Rescue Plan funds that the state used to temporarily increase rates has been exhausted, therefore, all rates reverted back to permanent baseline amounts.</p> <p>The state thanks you for your comment. The state is always looking at ways to improve performance of their contractors/sub-contractors and input from the field is helpful insight.</p> <p>The methodology for the 2023 rate setting and corresponding recommendations are outlined in</p>

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		the 2023 Rate Study Final Recommendations posted on the DDSD website. Factors that can cause variations in rates are educational and licensure requirements and the market salary index, to name a few.
Family Representative	<p>Comment:</p> <ul style="list-style-type: none"> • Commentor supports the MFW and tell of its positive impact and grateful for the assistance the program has given. • Vehicle and home modifications however are not enough as the costs often exceed the limit. • Please increase rate increases for all skilled service providers. 	<p>State Response:</p> <p>The state thanks you for your comments relating your experiences with the waivers.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
Non-profit Organization	<p>Comment:</p> <ul style="list-style-type: none"> • Original public hearing call in number not working. • Appreciates the attention to providers rates. • There is a scarcity of providers in the state and the best way to fix this is to increase the waiver provider rates. • Concerned about the rate disparity of direct support staff as they are who provide most service hours, and other providers such as therapists, consultants and nurses who provide essential but intermittent services. • The crisis of service availability needs to be addressed. The failure to adequately compensate direct service providers. Is the root of many problems in the DDW system. • Disability community states that they are unable to hire caregivers from outside the MVW participant family forcing participants to leave MVW losing the opportunity for self-direction. Participants and their family should not be forced to choose between their desire for self-direction and the opportunity to earn a sustainable living wage. 	<p>State Response:</p> <p>The state thanks you for your comment and your patience with the technical difficulties resulting in the reschedule of the public comment hearing.</p> <p>Per NM labor laws, DDSD does not determine rates paid to direct support professionals (DSP). DDSD sets rates, then reimburses the provider agencies the DSP work for. DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs across the state.</p>
Non-Profit Organization	<p>Comment:</p> <ul style="list-style-type: none"> • Voice their support of increased rates for staff • When workers get increases, this should not translate into families losing allotted hours. 	<p>State Response:</p> <p>The state thanks you for your comment.</p>

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	<ul style="list-style-type: none"> • There is a huge difference between the waivers and many stay on Mi Via due to nursing needs, along with the staff and community support. • Traveling to distant locations for care and coordinating can be difficult and the assistance of the medical waiver makes the process a little smoother. • The Medically Fragile waiver still needs funding for higher paid medical professionals, As well as more access to these medical professionals in rural communities. • There needs to be more assistance with modifications of homes and vehicles. • Needs to be a better way to support travel for medical appointments. 	<p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p> <p>With any rate increase, total budget allotments, when they exist, will be increased to accommodate increased rates.</p> <p>The state has reviewed rates for therapy services and will adjust to ensure that rates across the waivers are as follows per 15-minute unit: OT \$40.83, COTA \$27.05, PT \$49.66, PTA \$27.80 and SLP \$48.93. These rates are based on the rates for DDW and include the recommended percentage increases from the PCG rate study.</p> <p>DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs across the state.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>
Media	<p>Comment:</p> <ul style="list-style-type: none"> • The amendment does not clearly indicate some rates will be reduced year number 3 levels. • The public hearing was not held at stated time listed and was rescheduled. • Several issues with fair hearing and if the recipients are being provided notification of fair hearing availability as well as timeliness considerations. 	<p>State Response:</p> <p>The state thanks you for your comment. All input is appreciated and considered for future waiver amendments/renewals.</p> <p>DDSD’s contractor who completed the rate study, had enough responses for a statistically</p>

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	<ul style="list-style-type: none"> • The amendment does not address that most providers did not respond to the data request by the PCG contractor who did the study. • There is apparently a missing table referenced in the amendment. • Rates based on wages for certain services did not increase from rates established in the 2019 rate study because they considered a percentage of the employees to be sub-contractors. • The PCG rate study was completed prior to a Provider Capacity Assessment. The Capacity contains findings that show wages were insufficient in services in which the study did not recommend an increase. • There is apparent noncompliance and concern regarding state or local providers receiving payment for waiver services and reporting requirements to CMS. • Concerns regarding a state-run facility in competition for hiring workers in the waiver service area. 	<p>sound sample size for its rate setting methodology. The 2023 Rate Study Final Recommendations detail all factors utilized in the rate re-basing effort and how recommendations were derived.</p>
<p>Family Representative</p>	<p>Comment:</p> <ul style="list-style-type: none"> • Sharing her experience with the Medically Fragile Waiver and expressing how essential the program is. • Wants to stress how different the needs of the people on the Medically Fragile waiver are to the DD Waiver and how individual needs be addressed appropriately. • Would like to point out the need for resources throughout the state for service providers and that although increased pay is needed, we need to ensure we are not reducing services that the individual is receiving. 	<p>State Response:</p> <p>The state thanks you for your comments relating your experiences with the waivers.</p> <p>DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs, along with all other provider types across the state.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p> <p>With any rate increase, total budget allotments, when they exist, will be increased to accommodate increased rates.</p>

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<p>Family Representative</p>	<p>Comment:</p> <ul style="list-style-type: none"> • There have been challenges with Mi Via finding OT and PT that will work with the waiver due to the low rates and how cumbersome the billing can be. 	<p>State Response:</p> <p>The state thanks you for your comment. The state is always looking at ways to improve processes and input from the field is helpful insight. Currently a pilot is underway addressing some of the billing challenges experienced by providers in the Mi Via Waiver.</p> <p>DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs, along with all other provider types across the state.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
<p>Provider and Family Representative</p>	<p>Comment:</p> <ul style="list-style-type: none"> • Concerns regarding in-home visitation requirements looking for Abuse Neglect and Exploitation being unconstitutional. • Forcing disabled people and their families to let these in home visits happen is an intrusion and violates their civil rights. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>
<p>Provider Agency</p>	<p>Comment:</p> <ul style="list-style-type: none"> • Concerns over the proposed rate increases for occupational therapy as they are not competitive for providers compared to outside the waiver. • Please consider raising the rates equal to that of other therapy disciplines 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>The methodology for the 2023 rate setting and corresponding recommendations are outlined in the 2023 Rate Study Final Recommendations posted on the DDSD website. Factors that can cause variations in rates are educational and</p>

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		<p>licensure requirements and the market salary index, to name a few.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
State Employee	<ul style="list-style-type: none"> A stakeholder alerted us that there appears to be a rate discrepancy for year four (4) on the Family Living and Family Living, Jackson Class Services. Specifically, they were incorrectly listed as \$161.10 for Family Living and \$191.71 for Family Living, Jackson Class Services There is different terminology in the DD waiver regarding the Level of Care (LOC) process vs the MI Via. It would be beneficial to mirror the MI Via language specifically replacing “The process is the same for both initial LOC evaluations and LOC re-evaluations” with “All participants are re-evaluated on an annual basis. The TPA reviews, evaluates, and completes all annual LOC redeterminations”. This simple change could help with potential changes in the future to streamline the LOC process. 	<p>State Response: Thank you for your comment. The state accepts the input and will make the needed corrections to be consistent with calculations based on the PCG rate study. They will be corrected to \$171.71 for Family Living and \$172.72 for Family Living, Jackson Class.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>
Provider Agency	<p>Comment:</p> <ul style="list-style-type: none"> There is a huge need for LRI capability for EPSDT. Focus needs to remain on attempting to find private duty nursing with LRI filling the gaps. Individual Good and Service has been available since 2021 with lack of use. This needs to be addressed/revise. There needs to be more providers/vendors for Medically Fragile Waiver Services. As well as a need to increase rates. 	<p>State Response: The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p> <p>DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs, along with all other provider types across the state.</p>

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Provider Agency	<p>Comment:</p> <ul style="list-style-type: none"> • Mi Via amendment rates are not as high as the traditional waiver. • Raise on therapy rate is needed. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>The methodology for the 2023 rate setting and corresponding recommendations are outlined in the 2023 Rate Study Final Recommendations posted on the DDSD website.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
Provider	<p>Comment:</p> <ul style="list-style-type: none"> • Decreasing rates decreases the value of services and it is very difficult to recruit any providers especially Occupational Therapy due to the new rates. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>No rates have been decreased.</p>
Provider	<p>Comment:</p> <ul style="list-style-type: none"> • Has concerns that rate increases are not going to the providers and are not being allocated correctly. • The State needs to come up with a process to be able to allocate funds where it is needed most to care for vulnerable participants on the DD waivers in a fair way. • Pay should be equal to all therapy services 	<p>State Response:</p> <p>The state thanks you for your comment. All input is appreciated and considered for future waiver amendments/renewals.</p> <p>Per NM labor laws, DDSD does not determine rates paid to direct support professionals (DSP). DDSD sets rates, then reimburses the provider agencies the DSP work for.</p> <p>The methodology for the 2023 rate setting and corresponding recommendations are outlined in the 2023 Rate Study Final Recommendations posted on the DDSD website. Factors that can</p>

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		<p>cause variations in rates are educational and licensure requirements and the market salary index, to name a few.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
<p>Provider Agency</p>	<p>Comment:</p> <ul style="list-style-type: none"> • There are huge discrepancies of pay and have lost contractors due to the low pay rates. • All therapy rates should be equal. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>The methodology for the 2023 rate setting and corresponding recommendations are outlined in the 2023 Rate Study Final Recommendations posted on the DDSD website. Factors that can cause variations in rates are educational and licensure requirements and the market salary index, to name a few.</p> <p>The state has reviewed rates for therapy services and will adjust to ensure that rates across the waivers are as follows per 15-minute unit: OT \$40.83, COTA \$27.05, PT \$49.66, PTA \$27.80 and SLP \$48.93. These rates are based on the rates for DDW and include the recommended percentage increases from the PCG rate study.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>

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Family representative	<p>Comment:</p> <ul style="list-style-type: none"> Issues with limiting respite days to 14 days when sometimes families need additional respite. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>
Family representative	<p>Comment:</p> <ul style="list-style-type: none"> Environmental modifications (EMODS) are not enough at \$5k. Also, the requirements for EMODS needs to be reviewed as the paperwork for vendors is too cumbersome and needs to be reduced. There needs to be more EMOD providers as they have been trying to find an EMOD provider in their area for two years. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p> <p>DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs, along with all other provider types across the state.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
Provider Agency	<p>Comment:</p> <ul style="list-style-type: none"> Concerns on the rate study as there was a lawsuit relating to employees being contractors. Contractors now have to be considered employees and concerns with the agencies having to pay higher and not being sustainable. 	<p>State Response:</p> <p>The state thanks you for your comment.</p>
Family Representative	<p>Comment:</p> <ul style="list-style-type: none"> Concerns on the reimbursement rate as 5.32% is not enough as providers do not want to work for rates this low. Believes the rate study was not fair and this should be taken into consideration. 	<p>State Response:</p> <p>The state thanks you for your comment.</p>

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		<p>In 2024 a cost-of-living adjustment of 5.32% was applied as a permanent rate increase on top of the base rate.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
Family Representative	<p>Comment:</p> <ul style="list-style-type: none"> • There should be more coordination with schools like after school support and or DVR. • It is very difficult to find providers in the Taos area. • For Mi Via in home living supports they have to go through an agency to put in their time and it seems like they don't do anything to deserve 10% if they are only filing paperwork. 	<p>State Response: The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>
Family Representative	<p>Comment:</p> <ul style="list-style-type: none"> • Has received conflicting information from the state about the Cost-of-Living Revisions. They have not been reimbursed since they have submitted the revisions in May. • Agencies handle the turf monies and some of the agencies have not distributed that money. • Has submitted eight vendor packages but has received no responses as no vendor wants to work for the rates the state is paying. 	<p>State Response: The state thanks you for your comment.</p>

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<p>Provider agency</p>	<p>Comment:</p> <ul style="list-style-type: none"> EMOD amount is not enough as often the have to pick and choose what modifications to make as there is no funding for everything needed. This is like asking a patient to choose what medications to take. 	<p>State Response:</p> <p>The state thanks you for your comment. All input is appreciated and considered for future waiver amendments/renewals.</p> <p>DDSD actively monitors its provider network and capacity needs, and is actively implementing strategies to increase recruitment, compensation, training and retainment of DSPs, along with all other provider types across the state.</p> <p>The next comprehensive rate study will take place in 2025. All waivers and all rates will be included.</p>
<p>Family Representative</p>	<p>Comment:</p> <ul style="list-style-type: none"> For Mi Via would like to know if vendors will become Employers of Record as a paid service and how will they get paid. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p> <p>The Employer of Record is being considered as a waiver service for the 2025 Mi Via Waiver renewal. No final decisions have been made regarding the requirements to date.</p>
<p>Provider</p>	<p>Comment:</p> <ul style="list-style-type: none"> There needs to be some oversight from the state regarding EMOD invoices and what these costs actually are. Contractors need to be honest as their quotes seem to be padded. 	<p>State Response:</p> <p>The state thanks you for your comment.</p> <p>All input is appreciated and considered for future waiver amendments/renewals.</p>