



State of New Mexico  
Human Services Department  
Human Services Register



**I. DEPARTMENT**  
NEW MEXICO HUMAN SERVICES DEPARTMENT

**II. SUBJECT**  
RESPITE SERVICES,  
ENVIRONMENTAL MODIFICATIONS AND  
EMERGENCY RESPONSE SERVICES

**III. PROGRAM AFFECTED**  
(TITLE XIX) MEDICAID

**IV. ACTION**  
PROPOSED REGULATIONS

**V. BACKGROUND SUMMARY**

In an effort to control costs, the Medical Assistance Division (MAD) is reducing the maximum number of respite services per Individual Service Plan (ISP) year. Respite services will be reduced from a maximum of 336 hours annually per ISP year to 100 hours annually. The limit on environmental modifications will be reduced from \$7,000 to \$5,000 every five years; and MAD will no longer cover the cost of installing emergency response devices for individuals receiving services through the D&E/CoLTS waivers.

**VI. REGULATIONS**

These proposed regulation changes refer to 8.314.2 NMAC of the Medical Assistance Program Manual. This register and the proposed changes are available on the Medical Assistance Division web site at <http://www.hsd.state.nm.us/mad/register/>. If you do not have Internet access, a copy of the regulations may be requested by contacting the Medical Assistance Division at 827-3156.

**VII. EFFECTIVE DATE**

The Department proposes to implement these regulations effective March 15, 2010.

**VIII. PUBLIC HEARING**

A public hearing to receive testimony on these proposed regulations will be held at 11:00 a.m., on January 14, 2010, in the ASD Conference Room, Plaza San Miguel, 729 St. Michael's Drive, Santa Fe, New Mexico.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

#### **IX. ADDRESS**

Interested persons may address written or recorded comments to:

Kathryn Falls, Secretary-Designate  
Human Services Department  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

These comments must be received no later than 5:00 p.m., on January 14, 2010. Written and recorded comments will be given the same consideration as oral comments made at the public hearing. Interested persons may also address comments via electronic mail to:

[Magdalena.Romero@state.nm.us](mailto:Magdalena.Romero@state.nm.us).

#### **X. PUBLICATIONS**

Publication of these regulations approved by:

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KATHRYN FALLS, SECRETARY-DESIGNATE  
HUMAN SERVICES DEPARTMENT

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 314 LONG TERM CARE SERVICES WAIVERS**  
**PART 2 DISABLED AND ELDERLY HOME AND COMMUNITY-BASED SERVICES WAIVER**

Explanatory paragraph. This is an amendments to 8.314.2 NMAC, Sections 13, which will be effective March 15, 2010. The Medical Assistance Division (MAD) is amending Paragraph (4) of Subsection D, reducing the maximum number of respite hours annually per Individual Service Plan (ISP) year; Paragraph (3) of Subsection H , reducing the dollar limit for environmental modifications for every five year period; and Subparagraph (a) of Paragraph (1) and Paragraph (3) of Subsection I, striking language that would include coverage for the installation of emergency response devices for individuals receiving services through the Disabled and Elderly Home and Community Based Services Waiver

**8.314.2.13 COVERED WAIVER SERVICES:** The D&E waiver covers the following services for a specified and limited number of waiver recipients as a cost effective alternative to institutionalization in a nursing facility.

D. **Respite services:** Respite services are provided to participants unable to care for themselves and are furnished on a short-term basis because of the absence or need for relief of the unpaid primary caregiver normally providing the care.

(4) Respite services are limited to a maximum of [~~336~~] 100 hours annually per ISP year.

H. **Environmental modification services:** Environmental modifications services include the purchase and installation of equipment and making physical adaptations to an individual's residence that are necessary to ensure the health, welfare and safety of the individual or enhance the individual's level of independence.

(3) Environmental modifications have a limit of [~~\$7,000~~] \$5,000 every five [~~(5)~~] years.

I. **Emergency response services:** Emergency response services provide an electronic device that enables a participant to secure help in an emergency. The participant may also wear a portable "help" button to allow for mobility. The system is connected to the participant's phone and programmed to signal a response center when a "help" button is activated. The response center reacts to the signal to ensure the recipient's health and safety.

(1) Emergency response services include:

(a) [~~installing,~~] testing and maintaining equipment;

(3) Emergency response service categories consist of emergency response, emergency response high need [~~and emergency response installation/disconnect~~].

[8.314.2.13 NMAC - Rp, 8 NMAC 4.MAD.733.4, 8-1-06; A, 3-15-10]