



New Mexico Human Services Department

Bill Richardson, Governor
Pamela S. Hyde, J.D., Secretary

Medical Assistance Division
PO Box 2348
Santa Fe, NM 87504-2348
Phone: (505) 827-3103

INTERDEPARTMENTAL MEMORANDUM

MAD-GI: 09-03

DATE: March 4, 2009

TO: ISD AND MAD STAFF

FROM: CAROLYN INGRAM, DIRECTOR, MEDICAL ASSISTANCE DIVISION
HELEN NELSON, DEPUTY DIRECTOR, INCOME SUPPORT DIVISION

THROUGH: ROY BURT, BUREAU CHIEF, CLIENT SERVICES BUREAU

BY: KATHRYN KARNOWSKY, MANAGEMENT ANALYST, CLIENT SERVICES BUREAU

SUBJECT: FREEZE ON ALLOCATIONS FOR BRAIN INJURY CATEGORY 92 WAIVER SERVICES

Due to the maximum use of available funds for Brain Injury category 92 waiver services, allocations for this category were frozen 10/23/08. The Aging and Long Term Services Department (ALTSD) will begin issuing allocation closure letters to applicants, whose eligibility has not been determined within 90 days of the date of the allocation.

Applications pending for fewer than 90 days: Pending waiver applications will continue to be processed during the 90 day period allowed for eligibility determinations. Please note: applications will continue to automatically deny at 90 days, using code 564 "you have not provided the information necessary to determine your eligibility." Please do not reinstate the application or re-register it. The client can contact the ALTSD Resource center at 1-800-432-2080 to be returned to the registry.

Applications reinstated or re-registered now pending for more than 90 days: When an ISD worker receives a copy of the closed allocation notice, the pending application can be denied, using 564 "you have not provided the information necessary to determine your eligibility." As per section 8.290.400.10 NMAC, BASIS FOR DEFINING THE GROUP: "Entry into some of the waiver programs may be based upon the number of unduplicated recipient positions (UDRs)

(i.e., slots).” The client must provide an allocation for an unduplicated recipient position within 90 days of issuance in order to be determined eligible for the waiver category.

New applications: If an applicant submits an allocation that is older than 90 days, the ISD worker can deny the application based on the above policy using code 564, “you have not provided the information necessary to determine your eligibility.”

Approved cases in which waiver services have not begun within 90 days of the determination of eligibility: the case will need to be closed, using code 590, “No waiver services were received for 60 days”, policy Section A of 8.290.600.14 NMAC,. Non-Provision of Waiver Services. The number of days was extended to 90 under the Lewis Lawsuit settlement agreement.

We have attached a copy of the allocation closure notice that ATLSD will be sending to applicants.

Please direct questions regarding this material to Kathryn Karnowsky at 505-476-6867 or Kathryn.karnowsky1@state.nm.us.

Attachment



Bill Richardson, Governor
Cindy Padilla, Cabinet Secretary

Michael Spanier, Deputy Secretary

Date:

RE: Allocation Closure: Mi Via - Brain Injury
Registration ID:

Dear

This letter serves as notice that your allocation for Mi Via, the New Mexico Medicaid Home and Community Based Services Self-Directed Waiver program is closed. The Primary Freedom of Choice that you submitted to the Resource Center is no longer valid. Your allocation was closed for the following reason:

- You did not follow through with the waiver eligibility process

You may request a re-allocation to the Brain Injury Mi Via Waiver program. You must contact the Resource Center to begin this process.

If you are in need of further assistance or have questions, you may call the Resource Center, toll free at 1-800-432-2080 in New Mexico or (505) 476-4846 in the Santa Fe area. You may also write to us at the above address.

Regards,

The Resource Center

If you disagree with closure of the Mi Via Waiver allocation, you have a right to request a Fair Hearing within 90 days of the date of this letter. The request must be received by the Human Services Department (HSD) Hearings Bureau, your local Income Support Division office, or the Medical Assistance Division no later than the close of business on the 90th day. Hearings are completed and a written decision is made within 90 days from the date that the HSD Hearings Bureau receives the hearing request (8.352.2.12 NMAC).

In order to continue to receive the same Medicaid services while the hearing process goes forward, the request for a Fair Hearing must be received by the HSD Hearings Bureau, your local Income Support Division office, or the Medical Assistance Division no later than the close of business on the thirteenth (13th) calendar day from the date on this notice. If you ask for a hearing within the thirteen (13) calendar days and continue to receive the same Medicaid services but the final hearing decision favors HSD or the contractor, you will have to repay HSD for the cost of those services (8.352.2.13 (B) (2) NMAC).

You can represent yourself at a hearing or you can have a friend, relative, attorney, or other person may represent you. You have the right to look at your case record and other proof used to make the decision.

You may write to the HSD Hearings Bureau at the following address:

New Mexico Human Services Department
Hearings Bureau
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

You can also request a Fair Hearing by calling the HSD Hearings Bureau at (505) 827-8164 or 1-800-432-6217, option

SI USTED NECESITA ESTA NOTICIA EN ESPANOL, POR FAVOR LLAME A ESTE
NUMERO
505-727-5685 or 1-888-684-0455.

Cc: Consumer Direct Personal Care
NM Human Services Department/Income Support Division Office
Lovelace, Mi Via Third-Party Assessor (TPA) Contractor
Public Partnerships, LLC
Brain Injury Association of America