



Susana Martinez, Governor
Brent Earnest, Secretary
Nancy Smith-Leslie, Director

TO: All Interested Parties

FROM: *NLS* Nancy Smith Leslie, Director

CC: Cathy Stevenson, Director, Department of Health (DOH), Developmental Disabilities Supports Division (DDSD)
Jennifer Rodriguez, Bureau Chief, DOH/DDSD
Shari Roanhorse-Aguilar, Bureau Chief, HSD/MAD, Exempt Services and Program (ESPB)
Kresta Opperman, Staff Manager, HSD/MAD/ESPB
Christine Wester, Mi Via Program Manager, DOH/DDSD

DATE: May 13, 2016

RE: **Proposed Medically Fragile 1915 (c) Waiver Renewal Application**

The State of New Mexico Human Services Department (HSD) through the Medical Assistance Division (MAD) is accepting written and recorded comments for a period of 30 calendar days ending June 13, 2016 regarding the Medically Fragile Home and Community Based Services (HCBS) 1915 (c) waiver renewal application. The purpose of this waiver renewal is to allow the State to continue administering the Medically Fragile waiver program beginning July 1, 2016 through June 30, 2021. The current waiver expired June 30, 2015 and is currently functioning under a waiver extension. The State intends to submit its renewal application to the Centers for Medicare and Medicaid Services (CMS) by July 1, 2016. A public hearing in Santa Fe is scheduled for June 13, 2016 to accept public testimony for this waiver renewal.

The Medically Fragile HCBS program provides services for individuals diagnosed with a medically fragile condition who have a developmental disability, developmental delay, or are at risk for developmental delay before reaching 22 years of age and who require an Intermediate Care Facility for Individuals with Developmental Disabilities (ICF/IDD) level of care. Participants receive services in their family home or their own home as an alternative to institutionalization.

Services provided through the Medically Fragile waiver include: case management, home health aide, respite, nutritional counseling, skilled therapy for adults, behavior support consultation, private duty nursing, and specialized medical equipment and supplies. The Department of Health (DOH)/Developmental Disabilities Supports Division (DDSD) operates the Medically Fragile program with oversight by HSD.

Proposed Modifications to the Medically Fragile Waiver

The key components of proposed changes under this waiver renewal are as follows:

1. Quality measures and reporting through performance indicators have been updated to comply with the modifications required by CMS effective June 1, 2014. These CMS modifications include: health and welfare monitoring and outcomes; remediations reported to CMS in substantiated instances of abuse, neglect or exploitation; and, quality improvement projects/remediation required when the threshold of compliance with a measure is at or below 85%.

Impact: *HSD does not anticipate a service or financial impact to Medically Fragile participants or their healthcare providers with the additional requirements for quality and performance measures and reporting.*

2. Added language to address the requirements outlined in the CMS Final Rule. On January 16, 2014, CMS published a Final Rule that addresses several sections of the Social Security Act, establishes requirements for HCBS settings, and improves HCBS programs by: providing protections to participants; enabling participants to have the same opportunity to receive services in the most integrated setting appropriate; and have full access to community living opportunities. As required in the waiver renewal application, the State addressed the new rule as it pertains to the Medically Fragile waiver. Revised language can be found under the Main section; Attachment # 2; and Appendix C-5.

Impact: *HSD does not anticipate a service or financial impact to Medically Fragile participants or their healthcare providers with the additional information on HCBS settings.*

Written or Recorded Comment and Public Testimony Opportunities

HSD has issued this public notice to accept written and recorded comments and public testimony regarding the proposed Medically Fragile waiver renewal. This notice, the proposed waiver renewal application, HCBS Transition Plan and other information can be found on the HSD webpage at: <http://www.hsd.state.nm.us/public-notices-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>.

The current approved Medically Fragile Waiver (NM.0223.R04.00), effective July 1, 2010 through June 30, 2015 is available on the HSD webpage at:

<http://www.hsd.state.nm.us/LookingForInformation/medically-fragile.aspx>

A public hearing on the proposed Medically Fragile waiver renewal is scheduled to be held at the Toney Anaya Building (Rio Grande Conference Room), 2550 Cerrillos Road, Santa Fe, New Mexico on June 13, 2016 at 1:00 p.m.

**Written comments must be submitted by
5:00 p.m. Mountain Daylight Time on June 13, 2016**

By mail to:

**Kresta Opperman, Human Services Department
Medical Assistance Division
Exempt Services & Programs Bureau
P.O. Box 2348
Santa Fe, New Mexico 87504.**

Recorded messages may be left at:

(505) 827-1337

Emails may be directed to:

madrules@state.nm.us