

**Revised February 17, 2021**

RE: Tribal Notification to Request Advice and Comments Letter 20-28: **Developmental Disabilities 1915 (c) Home and Community-Based Services Waiver Renewal**

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Human Services Department's (HSD's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), **is extending the time to receive written and recorded comments regarding the Developmental Disabilities HCBS waiver renewal application to 5:00 p.m. Mountain Time (MT) Friday, February 26, 2021.**

There are 350 Native American participants out of 3,154 unduplicated participants receiving services under the Developmental Disabilities Waiver (DDW). The purpose of this waiver renewal is to allow the State to continue administering the DDW program beginning July 1, 2021. The current waiver expires June 30, 2021.

The State intends to submit its renewal application to the Centers for Medicare and Medicaid Services in March 2021.

The proposed changes to the DDW under this renewal are described below:

1. Language and acronyms throughout the DDW application will be updated for consistency and to align with other 1915(c) HCBS waivers in New Mexico, as appropriate.
2. References to the Supports Intensity Scale (SIS) have been removed throughout the application. The SIS was phased out after Waiver Year 1 of the prior waiver cycle.
3. Language throughout the DDW application has been updated to remove distinction between adult and children's budgets and children's budget limits. Children are individuals under the age of 21. Children's budgets will be transitioned to the clinical review process through the Outside Reviewer (OR).
4. The Community Integrated Employment service definition has been revised and the monthly Employment Maintenance rate has been unbundled into three unit-based rates: Job Development, Job Coaching, and Job Maintenance.
5. The Living Supports service definition has been revised to: expand support provided to individuals; include the requirement for living support agencies to have registered or Licensed Dietician or Licensed Nutritionist on staff or under contract; include the allowance of remote personal support technology in supported living environments; and, move the definition of intensive medical living supports to the Living Supports service.

6. Language has been revised to allow Nutritional Counseling services, Occupational Therapy, Physical Therapy, and Speech Language Pathology to be provided remotely.
7. Supplemental Dental Care has been removed as a service.
8. The limit on Assistive Technology has been increased to \$500.

### **Estimated Total Financial Impact**

HSD does not expect a financial impact from these changes.

### **Tribal Impact**

HSD anticipates a positive impact to recipients through increased access to services and remote access technology and an increase in service availability to tribes and their health care providers who provide DDW services. There were no users of the supplemental dental service in calendar year 2019. DDW recipients will continue to access dental services through the State Plan benefit.

### **Tribal Advice and Comments**

Tribes and tribal healthcare providers may view the proposed draft waiver renewal on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. **Notification Letter 20-28.**

**Please use the Microsoft Edge or Google Chrome internet browser to access and navigate the website. Internet Explorer may not display the full HSD website.**

A written copy of these documents may be requested by contacting the HSD Medical Assistance Division (HSD/MAD) in Santa Fe at (505) 827-1337.

### **Important Dates**

A public hearing to receive testimony on this application **was held via conference call at 10:00 a.m., Mountain Time (MT) on Monday, February 15, 2021.**

**Written advice and comments must be received no later than 5:00 p.m. Mountain Time (MT) Friday, February 26, 2021.** Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by email to [theresa.belanger@state.nm.us](mailto:theresa.belanger@state.nm.us).

All comments and responses will be compiled and made available after the public hearing.

Sincerely,



Nicole Comeaux, J.D., M.P.H.  
Director

cc: Megan Pfeffer, Deputy Director, HSD/MAD  
Theresa Belanger, Native American Liaison, HSD/MAD  
Exempt Services & Program Bureau, HSD/MAD  
Policy & Provider Services Bureau, HSD/MAD