



Michelle Lujan Grisham, Governor  
David R. Scrase, M.D., Secretary  
Nicole Comeaux, J.D., M.P.H, Director

**Revised February 17, 2021**

Interested Parties:

The Human Services Department (the Department), Medical Assistance Division (MAD), is seeking a five (5) year renewal of the Medically Fragile 1915 (c) Home and Community-Based Services (HCBS) Waiver.

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 regarding the submission of its waiver application to the Centers for Medicare and Medicaid Services (CMS) for the 1915(c) HCBS Medically Fragile Waiver. The Medically Fragile Waiver 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. The purpose of this waiver renewal is to allow the State to continue administering the Medically Fragile Waiver program beginning July 1, 2021. The current waiver expires June 30, 2021.

The key components included in the waiver renewal application are as follows:

1. Addition of Customized Community Group Supports, Individual Directed Goods and Services, Specialized Therapies, and Vehicle Modifications services.

*HSD anticipates a positive impact to recipients and their healthcare providers.*

2. Individual Budgetary Cap are being increased to the following levels:

Client Type	Current Caps	Proposed Caps
Kids	\$25,000.0	\$42,000.0
Adult Level 1	\$70,000.0	\$190,000.0
Adult Level 2	\$60,000.0	\$145,000.0
Adult Level 3	\$48,000.0	\$100,000.0

*HSD anticipates a positive impact to recipients and their healthcare providers.*

3. To expand the providers under Home Health Aide services, certified nurse assistants were added as an approved provider working under a home health aide agency.

*HSD anticipates a positive impact to recipients and their healthcare providers.*

4. To increase access of Respite services to participants, settings where Respite services can be provided was expanded to include medically qualified foster care home or intensive medical living supports provider.

*HSD anticipates a positive impact to recipients and their healthcare providers.*

5. Limits for Specialized Medical Equipment and Supplies increased to \$1200 per ISP year from \$1000 per ISP year.

*HSD anticipates a positive impact to recipients and their healthcare providers.*

6. To demonstrate the incident management system is in place that effectively resolves critical incident reports of abuse, neglect, and exploitation (ANE), and prevents further similar incidents to the extent possible, an additional performance measure was added to measure the timeliness of reviews and completion of these critical incident reports within the Department of Health's required timelines.

*HSD does not anticipate a service or financial impact to recipients and their healthcare providers.*

The waiver application is available on the HSD website at: <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>.

**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.**

If you do not have Internet access, a copy of the proposed changes may be requested by contacting MAD in Santa Fe at 505-827-1337.

The State intends to submit the waiver application to the Centers for Medicare and Medicaid Services (CMS) by March 15, 2021 for an effective date of July 1, 2021.

A public hearing to receive testimony on this application will **be held via conference call at 10:00 a.m., Mountain Time (MT) on Monday, February 22, 2021. The conference call toll-free number is: 1-800-747-5150, Access code: 0440241.** Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via

electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). The State of New Mexico Human Services Department (HSD), through the Medical Assistance Division (MAD), **is extending the time to receive written and recorded comments regarding the Medically Fragile HCBS waiver renewal application to 5:00 p.m. Mountain Time (MT) Friday, February 26, 2021.** Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

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 MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.