

April 28, 2020

**RE: Tribal Notification to Request Advice and Comments Letter 20-07: NM.019.06.02
Developmental Disabilities Waiver (DDW) Amendment and Fee Schedule**

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) Tribal Consultation requirements, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m. Mountain Time (MT) Monday, June 29, 2020** regarding proposed amendments to the Developmental Disabilities Home and Community-Based Services (HCBS) Waiver, NM.019.06.02 and proposed fee schedule. Currently there are 350 Native American participants out of 3,154 unduplicated participants receiving services under the DDW.

The State intends to submit this amendment to the Centers for Medicare and Medicaid Services (CMS) in July 2020.

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

1. Update to the developmental disabilities eligibility definition from a functional to a categorial eligibility criterion. The State found that national best practice is to utilize a "functional" criterion that is based on adaptive abilities. Updates were made to Appendix B-1-b.
2. Implement a rate increase, effective October 1, 2020 for Case Management, Supported Employment, Customized Community Support, Crisis Supports, Supported Living, Intensive Medical Living Services, Nutritional Counseling, Preliminary Risk Screening and Consultation for Inappropriate Sexual Behavior, and Respite. Updates were made to Appendix I-2 a and J-2-d(i).

Tribal Impact

HSD does not anticipate a service or financial impact to participants currently receiving services. HSD anticipates a positive impact to applicants who may be eligible for services under the functional definition of developmental disabilities and an increase in service availability to tribes and their health care providers who provide DDW services.

Estimated Total Financial Impact

Implementation of these waiver changes will result in an estimated fiscal impact of approximately \$5,961,000 state general fund dollars.

Tribal Advice and Comments

Tribes and tribal health care providers may view the draft waiver amendment application and proposed fee schedule on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, **Notification Letter 20-07**.

A paper 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 will **be held via conference call at 10:00 a.m., Mountain Time (MT) on Monday, June 29, 2020**. The conference call toll-free number is: **1-800-747-5150, Access code: 0440241**.

Written advice and comments must be received no later than 5:00 p.m. Mountain Time (MT) Monday, June 29, 2020. 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.

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