



Michelle Lujan Grisham, Governor
Kari Armijo, Secretary Designate
Alex Castillo Smith, Deputy Secretary
Kathy Slater Huff, Deputy Secretary
Kyra Ochoa, Deputy Secretary

To: Developmental Disabilities, Mi Via, Supports, and Medically Fragile Waivers Providers and Stakeholders

From: New Mexico Human Services Department’s Medical Assistance Division and the Department of Health’s Developmental Disabilities Supports Division

Re: CMS Approval of Amendments to the Developmental Disabilities, Medically Fragile and Mi Via 1915(c) Home and Community-Based Services (HCBS) Waivers.

Date: March 1, 2024

On November 29, 2023, the State submitted amendments to the Centers for Medicare and Medicaid Services (CMS) for Developmental Disabilities, Medically Fragile and Mi Via 1915(c) Home and Community-Based Services (HCBS) Waivers. The key components of proposed changes under the waiver amendments are as follows:

Developmental Disabilities Waiver (DDW) NM.0173.R07.01:

- Effective July 1, 2023, implement a cost of living adjustment (COLA) funded through state fiscal year 2024 legislative appropriation. The COLA will be applied as a 5.32% increase in the rates of the following services: Behavioral Support Consultation, Case Management, Community Integrated Employment, Customized Community Supports, Customized In-Home Supports, Crisis Supports, Living Supports, Nutritional Counseling, Preliminary Risk Screening and Consultation Related to Inappropriate Sexual Behavior, Adult Nursing, Respite, Socialization and Sexuality Education, Supplemental Dental, and Therapy Services.
- To support the provider network and service delivery, provider types are expanded to allow a legally responsible individual (LRI), relative, or legal guardian to provide Community Integrated Employment, Customized Community Supports, Customized In-Home Supports, and Respite.

Medically Fragile Waiver (MFW) NM.0223.R06.01:

- Effective July 1, 2023, implement a cost of living adjustment (COLA) funded through state fiscal year 2024 legislative appropriation. The COLA will be applied as a 5.32% in the rates of the following services: Behavioral Support Consultation, Case Management, Customized Community Supports, Home Health Aide, Nutritional Counseling, Private Duty Nursing, Respite, Skilled Therapy for Adults, and Specialized Therapies.
- To support the provider network and service delivery, provider types are expanded to

allow a legally responsible individual (LRI), relative, or legal guardian to provide Home Health Aide, Private Duty Nursing, and Respite.

Mi Via Waiver NM.0448.R03.01:

Effective October 1, 2023, implement a cost of living adjustment (COLA) funded through state fiscal year 2024 legislative appropriation. The COLA will be applied as a 5.32% increase in the range of rates of the following services: Behavioral Support Consultation, Community Direct Support, Customized Community Group Supports, Consultant Services, Employment Supports, Home Health Aide, Homemaker/Direct Support, In-Home Living Supports, Nutritional Counseling, Personal Plan Facilitation, Private Duty Nursing for Adults, Respite, Skilled Therapy for Adults, and Specialized Therapies.

On February 26, 2024, CMS approved the amendments. The COLA was applied to current rates which include the American Recovery Plan Act (ARP) 5% temporary economic recovery rate increase. The DDW and MFW fee schedules are effective from July 1, 2023, through June 30, 2024. The Mi Via fee schedule is effective from October 1, 2023, through June 30, 2024. Updated Fee Schedules are attached and can also be found at <https://www.hsd.state.nm.us/providers/fee-schedules/>

FREQUENTLY ASKED QUESTIONS (FAQ)

1. I am a provider for DDW and/or MFW. What do I need to do to get paid these new rates?

There are no action steps for DDW and MFW providers to take in order to access the new rates. The new rates will be programmed into the Omnicaid system. When claims are submitted and approved, payment will be at rates listed on the fee schedule.

Within the next two months, a mass adjustment will occur to bring reimbursement to new rates for paid claims with dates of service from July 1, 2023, through the present. Providers will see these additional payments through their chosen method for reimbursement (check or EFT).

For claims that may have been denied for Category of Eligibility (COE) issues, please send a message through Therap to the following HSD contacts:

WAIVER	HSD CONTACT
<i>Developmental Disabilities Waiver (DDW)</i>	<i>Dominic Jaramillo, DDW Staff Manager</i>
<i>Medically Fragile Waiver (MFW)</i>	<i>Deanna DeHerrera, MFW Staff Manager</i>

2. I am a participant/employer of record (EORs) in Mi Via, **OR** I am an employee or vendor provider for Mi Via. What do I need to do to pay or get paid these new rates?

Mi Via is a self-directed program and EORs and participants must have agreement with vendors/employees to pay these new rates. EORs/participants may choose not to implement

these new rates as long as the current rates they are paying meet minimum wage requirements and are within the rate of rates. Rates under Mi Via cannot be retroactive to 10/01/2023.

To pay/receive payment at the new Mi Via rates, the following must be completed:

- 1. Employee and Vendor Agreement revisions completed by the EORs/participants with vendors/employees ; must be submitted to Conduent.*
- 2. Budget revisions reflecting the new rate for each service must be submitted by consultants via FocosOnline to the Third Party Assessor (TPA) for approval. Once the budget revision is approved, the employee/vendor provider can bill for services at the new rate.*

Increases to the new rates can cause a Mi Via participant to exceed the Individual Budgetary Allotment (IBA) and require Additional Funding. The requirement for Additional Funding as outlined in NMAC 8.314.6.17 (F) is waived if the only revision to the budget is the new rate. When submitting budget revisions, consultants should note the revision is due to increased rates.

If the budget revision includes addition of new services or increases in units to already approved services, Additional Funding criteria as outlined in NMAC 8.314.6.17(F) must be met.

- 3. The fee schedules are only effective until June 30, 2024. What will the rates be after June 30, 2024?*

The 5% ARP temporary economic recovery rate increases cease on June 30, 2024. An updated fee schedule will be released in June 2024. Rates will reflect the 5.32% COLA added to original rates (rates prior to the ARP economic recovery). The state is currently working to submit waiver amendments to CMS to implement recommended rate increases from the recent DOH PCG rate study for an effective date of July 1, 2024.

For additional questions, please contact the following DOH contacts:

WAIVER	DOH CONTACT	EMAIL
Developmental Disabilities Waiver	Evangeline Yanez Community Programs Bureau Chief	evangeline.yanez@doh.nm.gov
Mi Via Waiver	Evangeline Yanez Community Programs Bureau Chief	evangeline.yanez@doh.nm.gov
Medically Fragile Waiver	Alecia Pulu Clinical Services Bureau Chief	alecia.pulu@doh.nm.gov