

Date: October 1, 2025 DDSD-DDW Numbered Memo 2025-17

To: All Developmental Disabilities Waiver Living Care Arrangement Service Providers

From: Selina Leyba, Developmental Disabilities Supports Division (DDSD),
Community Programs Bureau Chief *SL*

Subject: Requirement for Human Rights Policies

In compliance with the Centers for Medicare & Medicaid Services (CMS)(C), all Living Care Arrangement (LCA) service providers must ensure that their service delivery model aligns with federal regulatory requirements as **outlined in 42 CFR §441.301(c)(4)(vi)(B)(1), (C), and (D). This regulation mandates that** Individuals must have the freedom to control their own schedules and activities and have access to food at any time.

CMS REGULATORY LANGUAGE

(vi) In a provider-owned or controlled residential setting, in addition to the qualities at [§ 441.301\(c\)\(4\)\(i\)](#) through [\(v\)](#), the following additional conditions must be met:

(B) Each individual has privacy in their sleeping or living unit:

(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.

(C) Individuals have the freedom and support to control their own schedules and activities and have access to food at any time.

(D) Individuals are able to have visitors of their choosing at any time.

HUMAN RIGHTS POLICIES MODIFICATIONS FOR ALL LCA PROVIDERS

The below provider agencies must update the Human Rights Policies with the following mandatory language for individuals receiving:

- Supported Living
- Family Living
- Intensive Medical Living Service (IMLS)
- In-Home Living Supports (IHLS)

These revised Human Rights Policies must be submitted to the DDSD no later than November 1, 2025. The policies will be reviewed and approved by DDSD to verify compliance with CMS Home and Community-Based Services (HCBS) setting requirements.

To ensure compliance with federal regulations and uphold the dignity, autonomy, and rights of all individuals receiving services, the following standards shall be incorporated into all Living Care Arrangement (LCA) service environments:

1. Privacy in Sleeping and Living Units

- Each individual shall have the right to privacy within their sleeping or living unit.
- All units must be equipped with entrance doors that are lockable by the individual.
- Only designated and appropriate staff may possess keys to these doors, ensuring privacy and safety are maintained.

2. Autonomy Over Schedules and Access to Food

- Individuals shall have the freedom and support to control their own daily schedules and activities.
- Individuals must have **unrestricted** access to food at any time, in accordance with their personal preferences and needs.

3. Visitation Rights

- Individuals shall be permitted to receive visitors of their choosing at any time, without unnecessary restrictions or limitations.

For any questions, please contact: Steven Fernandez, Developmental Disabilities Waiver Program Manager at steven.fernandez@hca.nm.gov or 505-584-1687