



DDSD Advisory Council on Quality (ACQ)

Meeting Notes

August 8, 2024

DRAFT

Mission: *The Advisory Council advises the New Mexico Health Care Authority on the systems guiding the provision of services and supports that assist people with Intellectual/Developmental Disabilities of all ages and their families to be fully included in New Mexico communities.*

Vision: *People with Intellectual/Developmental Disabilities of all ages and their families receive the support and services needed to live inclusively and as independently as possible within their community.*

Members Present:

Sir Guru Nam Khalsa (Co-Chair), Angelique Tafoya, Ann Marie Parmenter, April Spaulding, Cassandra DeCamp, Chris Leroi, Dan DePaula, Daniel Eckman, Jessica Guterrez, Jim Copeland, Judy Sena, Michelle Harmon, Peggie O'Neill, Roel Adamson, Shannon Eckert, Susan Forbes, Tracy Perry (Co-Chair), Valerie Dewbre, Winton Wood, Lisa Blue, and Denise Balderas

Members Absent:

Elizabeth Montoya, Jacqueline Mares, Tyler Hutchens, Jessica Donaldson, Tim Gardner, Crystal Garcia, Clara Hargrave, Elisheva Levin, Laura Matthews, Shana Heath, Loriessa Randle, Vashad Frink, and Cynthia Chavez

State Agency Non-Voting Partners Present:

Amira Rasheed

State Agencies Present:

Jennifer Rodriguez, Scott Doan, Cara Latil, and Claudia Rice

Guests:

Representative Kathleen Cates, Editor the Candle (Bruce Weatherbee), Amy Wyman, Caroline Enos, Daniel Taggart, Debbie Kenny, Donna Naclerio, Eddie Romero, Evonne Romero, Gay Finlayson, Jacob Patterson, Janelle S. Torres-Groover, Janene Gray, Karen Garcia, Kate Nash, Kathie Fernandez, Kim Skinner, Laura Violante, Meagan Chavez, Robert Kegel, Shaleen Gallegos, Steve Wrigley, Vail Woodard,

ACQ Administrator:

Scott Doan

Welcome and announcements: Siri Guru Nam Khalsa, ACQ Co-Chair

- Introductions will be made by printing names and agencies in the chat box.
- ACQ Board of Directors (BOD) members, please list this on ZOOM with your name (not just in the chat) so the ACQ Co-Chairs can easily identify BOD members.
- A reminder that everyone is invited to participate during Public Comment periods but otherwise the discussions are for ACQ members. ACQ BOD members only will be called on during the discussion periods.
- A reminder that the ACQ is a safe, respectful place for all. Please direct all comments to the issues, not about specific individuals.
- The ACQ Executive Committee continues to host ACQ Executive Committee Listening sessions bi-monthly (the opposite month from the ACQ meetings) to hear and discuss people's recommendations/ concerns/questions, etc. The next Listening session will be Thursday, September 12 at 9:00 am.
- The ACQ has a survey form to help improve the ACQ meetings. Please provide feedback at <https://s.surveyplanet.com/jmes7mjb>
- If you have any concerns you want to bring to the attention of the ACQ Executive Committee, please contact any ACQ Executive Committee member: Tracy Perry (tracy@directtherapyservices.com), Siri Guru Nam Khalsa (sirigurunamkaur@hotmail.com), Daniel Ekman (daniel.ekman@ddc.nm.gov), Lisa Blue (tblue11@comcast.net), Scott Doan (scott.doan@hca.nm.gov)

Review and request approval for minutes from June 2024: Siri Guru Nam Khalsa, ACQ Co-Chair:

- June 13, 2024, meeting minutes unanimously approved with one edit on page 2, #8 change, "Ther" to "There"

Public Comment: Daniel Ekman, ACQ Executive Committee Member

- Public comments are recorded through ZOOM and are available through the ACQ website at <https://www.hca.nm.gov/developmental-disabilities-supports-division/>

DOH/DDSD Interim Director's Report: Jennifer Rodriguez

- Waiver amendment updates
 - Public hearing for DD Waiver, Mi Via Waiver, and Medically Fragile Waiver rate increase, Legally Responsible Individual, and Employee of Record, rescheduled for 8/23/2024 at 9:30am.
- Mi Via Waiver Renewal
 - Current approval expires at the end of September 2025.
 - DDSD has begun work for the Mi Via Waiver renewal.
 - Town Hall meetings have been scheduled statewide to solicit public input and engagement.
 - Town Hall meetings will be held in person.

- Virtual Town Hall meetings have also been scheduled for those who cannot attend in person.
- DDSD will follow the process of Tribal notification, public hearing and comment period, prior to the submission of the renewal application for the Mi Via Waiver.
- HCA Transition updates
 - DDSD no longer part of the New Mexico Department of Health.
 - Effective 7/1/2024, DDSD transitioned to the Health Care Authority (HCA).
 - DDSD still continues to function “as DDSD” with no break or gap in services.
 - DDSD does not yet have a permanent Director. An announcement of a permanent Director will hopefully be coming soon.
- Third Party Assessor (TPA) approval timelines
 - TPA approval timelines have not changed since the transition from the Outside Review (OR) to the TPA. The OR contract ended 6/30/2024. 10 business days is the turn-around time for the TPA. This is stipulated in the TPA contract.
 - There were some delays initially when the transition occurred from the OR to the TPA. Initially the TPA was completing reviews with a 12-business day turn-around time, but that has been corrected and the TPA is now completing reviews in 10 business days.
- Individual Specific Training (IST) requirements
 - Concern was voiced that requirements have changed for IST. Pages 56 and 182 of the DD Waiver Service Standards were cited as the source of the change.
 - DDSD Interim Director stated there have been no changes but assured everyone that she will re-read pages 56 and 182 of the DD Waiver Service Standards. If changes have been made, this will be communicated to the field.
 - Concerns were also voiced regarding clarification of effective training dates for the annual Individual Service Plan (ISP), Comprehensive Aspiration Risk Management Plan (CARMP), and the Written Direct Support Instructions (WDSI). Clarifications will be communicated to the field in writing.
 - DDSD Interim Director also stated, if agencies want to complete training prior to the annual ISP, they can, this is allowed. DDSD Interim Director stated she would double check this statement and if incorrect, will send out clarification in writing to the field.
- 2024 rate study update
 - In the next 30 days, a Request for Proposal (RFP) will be issued for the upcoming comprehensive rate study.
 - DDSD is obligated to complete a rate study every two years.
 - When the RFP is issued, DDSD will form a committee to review and select the vendor.
 - The rate study is scheduled to occur in the calendar year 2025.
 - Every service for every waiver will be a part of the rate study.
 - DD Waiver
 - Mi Via Waiver
 - Medically Fragile Waiver
 - Supports Waiver
- Wellness visit update
 - DDSD’s goal is to see everyone in services twice per year.
 - DDSD and DHI are the only state agencies completing wellness visits.
 - DDSD and DHI just completed the first round of visits on 6/30/2024.
 - DDSD is committed to completing the second round of visits scheduled for 7/1/2024 through 12/31/2024.

- DDSD has been receiving positive feedback on the wellness visits.
- NASDDDS Conference summary and Access Rule
 - The DDSD Interim Director attended the National Association of State Directors of Developmental Disabilities Services (NASDDDS) conference in Washington D.C.
 - Administration for Community Living or ACL (which is part of the United States Health and Humans Services) attended the conference.
 - The Centers for Medicare and Medicaid Services (CMS) were also in attendance at the conference.
 - The main elements of the Access Rule, which was published in 2024, were reviewed at the conference.
 - The setting requirements were also reviewed at the conference.
 - CMS will publish guidance on how to obtain compliance with the following:
 - Medicaid Advisory Committee
 - Beneficiary Advisory Committee
 - Need for states to establish a formal Grievance System
 - Need for states to establish rates
 - Need for states to establish an Incident Management System
 - Need for states to complete assessments of their Incident Management Systems
 - Need for states to have a public-facing reporting system for compliance
 - Need for states to have a public-facing reporting system for waitlists
 - Need for states to have a public-facing system for person centered planning
 - Target date for completion is July of 2025.
 - Quality measures reporting system needs to be fully compliant by 2030.
 - Several states expressed challenges with the following: serving younger population, serving individuals who are dually diagnosed with intellectual developmental disabilities and mental health, significant gaps in mental health services, waiver services do not offer mental health services, managing waitlist, infrastructure “stretched thin”, provider capacity concerns, and some states reported still having institutions for individuals with intellectual and developmental disabilities.
 - Next NASDDDS conference scheduled for Fall of 2024.
- New Mexico selected to receive grant from Advancing States
 - Aging and Long Term Service Department (ALTSD) applied for and received the grant.
 - The focus of the grant is to collect data on the Direct Care workforce with the goal of recruiting, retaining, and professionalizing the Direct Care workforce. DDSD has been included in this group. Technical Assistance will also be provided.
- National Center on Advancing Person-Centered Practices and Systems (NCAPPS)
 - NCAPPS issued a call for states to apply for a grant.
 - New Mexico applied and was selected for the grant.
 - DDSD will receive feedback/technical assistance on Individual Service Plans (ISPs) and Service and Support Plans (SSPs).
 - DDSD would like to apply this technical assistance to all four Waivers.
- The Centers for Medicare and Medicaid Services (CMS) and their contractor New Editions will be completing on-site visits in New Mexico. The visits are scheduled for September 2024.

- CMS will be reviewing settings requirements at each of the visits.
- Preliminary itinerary has been sent to CMS for approval.
- A letter will be sent to those Providers, who are scheduled to receive visits.
- To be prepared, have ISPs/SSPs on site.
- CMS solicited feedback directly from the provider community/network. DDSD was not involved in this part of the process.
- New Mexico did not have to submit a corrective action plan to CMS for the Statewide Transition Plan.
- All Providers were, at one point in time, on a DDSD issued corrective action plan. However, all Providers have come into compliance.
- CMS now conducting visits in New Mexico to see how we are doing.
- The visit by CMS and New Editions is not an audit.
- Litigation: A question was posed regarding litigation against a provider. DDSD does not comment on active litigation, nor was DDSD named in the litigation.
- DDSD participating in strategic planning as part of the HCA.
 - Increasing provider capacity.
 - Rural delivery fund.
 - Promoting ANE work and prevention strategies.
 - Provider performance system.
 - Rates. DDSD is committed to paying people as much as possible.
 - Strengthening partnerships, to include constant communication, regaining trust, and regaining a strong sense of collaboration.
 - Commit to regular meetings on a quarterly basis.
- DD Provider Summit is being planned by HCA Cabinet Secretary, Kari Armijo.
 - Governor Michelle Lujan Grisham is scheduled to be in attendance.
 - Tentatively scheduled for 8/29/2024.
 - If you are selected to attend, you will receive a letter/invite.
 - The invitation list is limited to approximately 50 people.
 - The invitation list is being managed by the Governor's Office.
- DDSD Interim Director Question and Answer session
 - Concerns were raised about continued delays with the TPA. Specifically, concerns were raised about delays for budgets and Level of Care, which is impacting services. In some cases, individuals have lost services because "they are going inactive" Once services are approved by the TPA, it takes 24 hours for the system to update. Request was made for the state to put out a generalized memo about the delays. It was expressed that Mi Via Waiver Consultants are "taking a lot of flack for this." It was also stated that the state has granted 7 business day waivers for the TPA. The DDSD Interim Director corrected this and stated that no 7 business day waivers have been granted. The DDSD Interim Director will follow up with the person who gave incorrect information. The DDSD Interim Director also requested that for anyone who has lost services or is "inactive", she needs the name and date of birth for those individuals so she can follow up. DDSD committed to drafting a memo that outlines Level of Care, RFI, annual budget, and budget revision timelines.
 - A second comment was made echoing the comments in the previous bullet.
 - Concerns were raised regarding the Cost-of-Living Adjustments (COLA), and that budgets are being "returned" or are on "pause" due to the Individual Budget Allotment (IBA) roll out. The DDSD Interim Director does not see this as a systems issue but an example of how the system is working to allow individuals

- to have more money in their IBA. The DDS Interim Director asked for specific details and examples so she can follow up.
- A request was made that public communication be sent out regarding the New Editions visits. The DDS Interim Director stated there is not a lot of public information to be shared at this point. For those Providers or individuals who will be receiving visits from CMS and New Editions, they will receive a letter with details regarding their visit.
 - A question was asked about the Waiver amendment regarding rates. Will the Waiver amendment be retroactive? The DDS Interim Director stated that HCA will request a retroactive approval to 7/1/2024 for the amendment, but it is up to CMS to make that determination.
 - A request was made to consider the ACQ membership or members of the Executive Committee, to be invited to the DD Provider Summit. The DDS Interim Director acknowledged the request.
 - A concern was raised regarding the Remittance Advice (RA) for this week. It was reported that a provider agency was underpaid, and a question was asked if other providers were also underpaid. One agency responded in chat, that they too were underpaid.
 - A request was made to the DDS Interim Director asking her to expound on the comment regarding provider capacity.
 - The DDS Interim Director stated that the area with the greatest concern with respect to provider capacity is in the area of Therapy services. Also reported that this is a national concern and not isolated to New Mexico.
 - DDS Interim Director committed to not decreasing rates for any service.
 - DDS Interim Director reported that DDS has received 10 new provider agency applications in the past 6-8 months.
 - A request was made for a current HCA organizational chart. The DDS Interim Director will send this to Scott Doan, to be distributed with the ACQ documents.

ACQ By Laws Committee, Daniel Ekman Interim Chair.

- Need to form a committee to update the ACQ By Laws.
- Establish permanent Chair and Co-chair.
- The ACQ needs people to volunteer for Chair, Co-Chair, and committee members.
 - Peggy O'Neill, Susan Forbes, Amira Rasheed, Roel Adamson, Donna Naclerio, and Tracy Perry volunteered to be a part of the By Laws Committee. Daniel Ekman will continue to serve as the Interim Chair.
- Should By Laws be revised to include a process for action items.
 - Will be discussed further with the By Laws Committee.
- Review current ACQ sub-committees add a Vendor Stakeholder Sub Comm.
 - Will be discussed further with the By Laws Committee.
- Should the By Laws be revised to include a grievance procedure.
 - Will be discussed further with the By Laws Committee.
- Should the By Laws be revised to include a section on mentorship.
 - Will be discussed further with the By Laws Committee.

Legislative Update: Representative Kathleen Cates.

- Representative Cates introduced herself, stating she represents District 44 and is a member of the Legislative Health and Human Services (LHHS) Committee.
- Representative Cates provided an update on her current work.
 - Stated she is concentrating on how to hold the Managed Care Organizations (MCOs) accountable.
 - Working to increase environmental modifications to at least \$6,000 although she states this is not adequate, and the environmental modifications need to be closer to \$15,000 or \$20,000.
 - Working with lawyers on how to create a bill that allows state contractors to have a locked rate for 5 years.
 - Working on trying to set up a tour with members of LHHS, to tour locations such as the ARCA greenhouse or Abrazos.
 - LHHS will be in Rio Rancho in October 2024; trying to set the tours up for this time.
 - Commented on work that appears to be happening to change DD Code and how competency is defined.
 - Also spoke about current competency bills that are being created.
 - Representative Cates encouraged everyone to vote. Your vote counts.
- Feedback for Representative Cates included the 4 bed Intermediate Care Facility (ICF) “run” by the Department of Health at Los Lunas Community Programs. Discussion included how criminal charges can be dropped or erased after completion of the program.
- Support for raising environmental modifications to at least \$6,000 but closer to \$15,000.
- Parent of their son on the Medically Fragile Waiver thanked Representative Cates for her advocacy and support. Also supported the increase for environmental modification funding.

Break

Discussion on ACQ sub-committees: Tracy Perry, ACQ Co-Chair

- Discussion to add a Mi Via Vendor Stakeholder sub-committee.
 - Tracy Perry provided the history of the sub-committee formed by Lieutenant Governor, Howie Morales.
 - Angelique Tafoya, with Alta Mira, is the current Chair of the sub-committee.
 - ACQ Membership voted unanimously to add the Mi Via Vendor Stakeholder sub-committee to the standing committee agenda item for ACQ meetings.
 - The next meeting of the Mi Via Vendor Stakeholder sub-committee is scheduled for 9/4/2024.
- Sub-Committee for Children receiving Supported Living under the age of 18. Need volunteers for co-chairs and committee members.
 - Tracy Perry led this discussion, citing the conversation from the 7/11/2024 listening session (please see notes).

- Gay Finlayson volunteered to be the Chair of the Sub-Committee for Children receiving Supported Living under the age of 18.
- Gay Finlayson was unanimously approved by ACQ membership.
- Any interested party in the sub-committee for Children receiving Supported Living under the age of 18, please email Gay at gfinlayson@salud.unm.edu
- Updates on the ACQ Policy and Quality sub-committee, Chris Futey, DDS Deputy Director.
 - Chris Futey provided a summary of the Policy and Quality sub-committee meeting that occurred on 8/7/2024.
 - The policies reviewed by the sub-committee included the following:
 - DDS Health and Wellness Visit policy.
 - Developmental Disabilities System Quality Improvement Committee (DDSQI)
 - Plan Do Study Act policy (PDSA).
 - DDS is looking for someone internally to replace Chris as the Chair for the Policy and Quality sub-committee.
 - Chris also provided an update on the June 2024 Policy and Quality sub-committee.
 - Reviewed the DD Waiver annual report template.
 - DDS will issue a memo with new annual report links.
 - 2/15/2025 is the due date for the next annual report.
- Ideas for other sub-committees.
 - No other ideas for sub-committees were brought forward.

Standing Committee Updates: Tracy Perry, ACQ Co-Chair

- Mi Via Advisory Committee Update- Denise Balderas
 - No updates. Denise requested to speak to Scott Doan regarding the MVAC stipends. Scott will follow up with Denise outside of the ACQ meeting.
- Medically Fragile Waiver Family Advisory Board (FAB) Ann Marie Parmenter
 - Please see the attached power point presentation.
 - Next meeting of the Medically Fragile Waiver Family Advisory Board is 9/3/2024 at 5:30pm via Zoom.
 - Families provided their firsthand experience and gratitude for the services provided through the Medically Fragile Waiver program.

Public Comment: Lisa Blue, ACQ Executive Committee Member

- Public comments are recorded through ZOOM and are available through the ACQ website at <https://www.hca.nm.gov/developmental-disabilities-supports-division/>

Share positive stories/Announcements: Lisa Blue, ACQ Executive Committee Member

- A positive story was shared by Blue Cross Blue Shield (BCBS) about how a BCBS Care Coordinator assisted a mom to access services for her child. Mom's child has down syndrome with complex medical needs, and mom is non-English speaking. BCBS was

able to provide a Care Coordinator, who spoke the same language as mom, to help her navigate the system to obtain services for her child.

- Positive stories were shared regarding the success of the Medically Fragile Waiver picnic. The picnic was described as “life changing” for those who were able to attend.

Meeting adjourned. Tracy Perry, ACQ Co-Chair