



**Michelle Lujan Grisham, Governor**  
Kari Armijo, Secretary  
Alex Castillo Smith, Deputy Secretary  
Kathy Slater Huff, Deputy Secretary  
Niki Kozlowski, Acting Deputy Secretary  
Dana Flannery, Medicaid Director

Date: October 1, 2025

DDSD-DDW Numbered Memo 2025-12

To: All Developmental Disabilities (DD) Waiver Case Management and Mi Via Waiver Consultant Agencies

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

RE: Level of Care Requirement Compliance

DDSD has been notified of Case Management and Consultant agencies not responding timely (within 7 business days) to requests for information (RFIs), from the Third-Party Assessor (TPA), resulting in delays in Level of Care (LOC) processing. Additionally, this issue has caused delays in budget approvals, resulting in delays in service delivery.

All waiver participants must recertify medical and financial eligibility annually. DD Waiver Case Managers and Mi Via Waiver Consultants play a critical role in assisting and ensuring timely submission of LOC packets to the TPA.

DD Waiver Case Managers and Mi Via Waiver Consultants are required to submit the annual Level of Care (LOC) packet to the TPA no later than 30 calendar days prior to the LOC expiration date.

Agencies are required to submit the following LOC documents prior to expiration:

DDW	Mi Via
<ul style="list-style-type: none"><li>Long-Term Care Assessment Abstract (MAD 378)</li><li>History and Physical (H&amp;P)</li></ul>	<ul style="list-style-type: none"><li>Long-Term Care Assessment Abstract (MAD 378)</li><li>History and Physical (H&amp;P)</li><li>Vineland In-Home Assessment (IHA)</li></ul>

Case Management and Consultant agencies are directed to respond to all outstanding Requests for Information (RFIs) within 7 business days.

Agencies are subject to administrative actions, civil monetary penalties, and sanctions for non-compliance with or violations of regulations, service standards, policies, procedures, and/or provider agreement requirements.

Beginning October 15<sup>th</sup>, agencies that do not respond to the third LOC RFI issued by the TPA, within 7 business days, will be subject to a one-time civil monetary penalty of \$250.00 per client. Instances of continued non-compliance are subject to additional contract management actions.

For any questions or clarifications to this memo, please contact Selina Leyba via Therap or via email at [SelinaT.Leyba@hca.nm.gov](mailto:SelinaT.Leyba@hca.nm.gov).