



May 22, 2015

Dear DD Waiver Participants and Guardian, if applicable:

The purpose of this letter is to inform you of changes to the DDW as a result of a court-approved settlement agreement in the *Waldrop* lawsuit against the State brought by Disability Rights New Mexico and the ARC of New Mexico.

The State will continue to use the Supports Intensity Scale (SIS) for person centered planning and to establish group assignments with suggested service packages and a proposed budget. The IDT should consider the DDW Group's services and budget along with additional documentation when developing the ISP and identifying services. Your IDT will get a DDW Planning Packet that includes your My Supports Profile Report, and you will also receive information on the DDW Group assignments and suggested service packages. If the IDT determines you need services not included in your suggested service package, you may request those services with appropriate clinical justification.

The New Mexico Department of Health (DOH) and the Human Services Department (HSD) will implement a **new** process for the review of all DDW participants' ISPs, budgets and required documentation to determine whether **all** requested services are clinically justified based on established criteria.

The DOH will contract with an independent third party (the "Outside Reviewer") to conduct a clinical review of all requested services. The Outside Reviewer will make a written clinical determination on whether the requested supports are needed and will recommend whether the requested ISP and budget should be approved. If the Outside Reviewer denies any part of your budget, you will have an opportunity to request a fair hearing.

These changes will require system-wide training for DDW participants, families, guardians, case managers, providers and DDS staff. The DOH and HSD will be sending out additional communication regarding the new Outside Review process and training timelines.

The Outside Review process will begin in Fall 2015 and will be based on annual ISP expiration dates. Once all parties have been trained, your case manager will be your primary point of contact.

For individuals with an ISP and Budget that expire prior to October 31, 2015, the ISP and Budgets will be renewed and revised, if needed, according to current procedures, including access to up to three therapy disciplines. These individuals may apply under the DOH "Group H" policy and

procedure for Family Living, Supported Living or additional "day" services if the IDT can justify the clinical need for these services, regardless of the individuals' DDW Group assignment.

If you are a Mi Via Waiver participant, you have the right to exercise your freedom of choice to return to the Traditional DDW.

Thank you for your patience as we implement these changes. If you have any questions, please contact your local DDS Regional Office.

Sincerely,



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Department of Health



Angela Medrano, Deputy Director
Medical Assistance Division
Human Services Department



Jason Gordon, Senior Staff Attorney
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Randy Costales, Executive Director
The ARC of NM