

## Supports Waiver Request for services by a relative or legal guardian

- Relatives or legal guardians may be paid for waiver services, under extraordinary circumstances, in order to assure the health and welfare of the participant and to avoid institutionalization.
- The relative or Legal Guardian that is requesting to be approved to be paid for services must **not be** the Employer of Record, a Corporate Guardian or a Legally Responsible Individual for the participant.
- Legally Responsible Individuals are not allowed to provide paid Supports Waiver services. An LRI is a person who has a duty under State law to care for another person and typically includes: the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or a spouse of a waiver participant.

Supports Waiver services that **are allowed** to be provided by relative or legal guardian **with approval** are:

- Customized Community Supports – Individual
- Non-Medical Transportation
- Personal Care
- Respite

- A relative or legal guardian may not provide services that the legally responsible individual would ordinarily perform in the household for individuals of the same age who did not have disability or chronic illness.
- After the initial approval, ongoing approval is not required unless a participant requires changes or additional services that a relative or legal representative would need to provide.
- The relative or legal guardian is chosen by the participant as a caregiver through the person-centered planning process and must otherwise be qualified to provide services according to the Supports Waiver Standards.

Participant Name

Region

Social Security #

Date of Birth

Address

Phone

Relationship to participant

Requested Employee Name

Supports Waiver Services requesting approval to provide

Employee Signature

Date

I chose the employee who is requesting approval.

Participant Signature

SUPPORTS WAIVER REQUEST FOR SERVICES BY A RELATIVE OR LEGAL REPRESENTATIVE V1 10/2020  
DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION

***Submit this form the DDS Regional Office***

Please answer the questions below with enough information for DDS to review and determine the needs of this Supports Waiver participant.

1. Extraordinary circumstances of the participant’s situation that lead to making this request.

2. Unique needs of the participant that required the relative or legal guardian to provide the service.

Additional information.

**Your Right to an Administrative Fair Hearing:**

Pursuant to HSD rule 8.352.2.11 NMAC, you have the option of requesting an Administrative Fair Hearing. An Administrative Fair Hearing is an evidentiary hearing held before an impartial Administrative Law Judge to review any adverse action by DDS or HSD, including the denial of a request for a Legally Responsible Individual (LRI) to provide waiver services.

Hearings are conducted by the Human Services Department (HSD) Fair Hearings Bureau. You have 90 days from the date of this letter to request a hearing. Pursuant to HSD rule 8.352.2.12 NMAC, in order to be considered timely, the request for a hearing must be received by the Fair Hearings Bureau at the address below no later than the close of business on the 90th calendar day immediately following the date of this letter. If a request for hearing is not received by the specified deadline, the proposed action will become final.

You or your legal representative can request a hearing by calling or writing to:

**HSD Fair Hearings Bureau**

P.O. Box 2348

Santa Fe, New Mexico, 87504-23248

Telephone: 505-476-6213

Toll-free: 1-800-432-6217, option 6

Fax: 505-476-6215

You have the right to review any documentation used to make the decision regarding your request for a Legally Responsible Individual (LRI) to provide waiver services. At the hearing, you may represent yourself or have a friend, relative, attorney or other person represent you, as well as an opportunity to present your case. You will receive a written decision based on the record made at the hearing.

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Approved

Denied

DDSD Notes

DDSD Signature

Date