

**Date:** June 29, 2021

**To:** All DD Waiver, Mi Via Waiver, Medically Fragile Waiver, Supports Waiver, State General Fund Providers and Stakeholders

**From:** Jason Cornwell, Director  
Developmental Disabilities Supports Division



**Subject: DDSD COVID-19 Response Status Update**

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**In accordance with Governor Michelle Lujan-Grisham's recent directives ending COVID-19 health restrictions, all services to individuals participating in Medicaid Home and Community Based Services (HCBS) and State General-funded services for individuals with Intellectual and Development Disabilities (I/DD) may begin as early as July 1, 2021.** This pertains to all Medicaid HCBS waivers including the Developmental Disabilities, Mi Via, Medically Fragile and Supports waivers as well as State General-Funded services.

This memorandum rescinds requirements in the October 1, 2020 "DDSD COVID-19 Response Status Update" as well as all other subsequent memos issued by DDSD related to COVID-19. Tribal orders supersede requirements in this memo.

The following requirements related to COVID-19 Safe Practices must continue until further notice:

- In accordance with Centers for Disease Control and Prevention guidance, masks continue to be required to be worn by all Direct Support Professionals, Therapists, Behavior Support Consultants, Nurses, Case Managers, Consultants, Community Support Coordinators, or any other discipline providing services, regardless of vaccination status, in the following settings. Individuals receiving services are required to follow Governor's orders regarding wearing masks. At this time, individuals receiving services who are fully vaccinated are not required to wear masks.
  - **Health care settings**, including but not limited to hospitals, long-term care facilities, and doctors' offices. **Health care settings include those in which individuals are served through HCBS and State General Funded services. This does not include administrative offices in which direct client care or services are not provided.**
  - **Correctional facilities.**
  - **Homeless shelters.**
  - **Public transportation**, including but not limited to buses, trains, and planes and in transportation hubs such as airports and stations.
  - The only exception to this requirement is for individuals paid to provide services to immediate family members (i.e., Family Living providers) who may choose to wear a face mask in their own home at their discretion.
- Agencies are responsible for providing all required services as identified in individuals' service plans, including Individual Service Plans (ISPs) and Service and Support Plans (SSPs). Guardians may choose to refuse services at their discretion.
- Services may be provided remotely (i.e., telehealth) and in-person in accordance with provisions stated in the applicable program's standards and Appendix K allowances.

- Exception requests will be made based on the individual’s needs, not the agency or staff person’s need. Exception requests must be submitted to the DDSD Regional Office Director and will be reviewed within 15 days.
- Case Managers, Consultants, Community Support Coordinators, and Service Coordinators in-person visits are required to resume on July 1, 2021, following guidance in instructions provided June 29, 2021, by DDSD.
- Agencies may not require 24-hour notice prior to allowing visits. Agencies are encouraged to cooperate in providing access to individuals. Agencies may limit or cancel visitation in the event of a COVID-19 event (i.e., exposure, positive test) in the home or other location. Although agencies cannot require 24-hour notice prior to visits; Case Managers, Consultants, Community Support Coordinators, Therapists, and Behavior Support Consultants are encouraged to work with agencies regarding in person visits.
- Providers may not deny services based on individuals’ COVID-19 vaccination status.
- Agencies are required to maintain current Infectious Disease or COVID-19 Emergency Plans which must be available upon request no later than close of business July 6, 2021. Plans, at minimum, must include Infection Control, Self-Screening Procedures, COVID-19 Safe Practices, and Plans in the Event of COVID-19 Exposure or Confirmed Positive Case.
- Congregate day facility plans for re-opening services must be submitted to their Regional Office Director in accordance with guidance issued by DDSD. Guidance for residential programs can be found in applicable program standards. Guidance for Congregate day facilities was issued on June 7, 2021. Guidance for Case Managers/Consultants/Community Support Coordinators issued on June 29, 2021. Also see DDSD’s COVID-19 information site at <https://www.nmhealth.org/about/ddsd/diro/ddcv/>.
- General Events Reports (GERs) must continue to be reported for COVID-19-related events, including Vaccination, Suspected or Confirmed Exposure, COVID-19 Testing including results, and COVID-19 Related Death. Providers must continue to provide written communication of COVID-19 related events for Mi Via and Medically Fragile Waiver participants.
- Training may be conducted in-person or remotely. Many required training courses are available remotely through the CDD Training Hub at <https://www.cdd.unm.edu/other-disability-programs/disability-health-policy/ddsd-courses/index.html>. All in-person training must be conducted in compliance with COVID-19 requirements of the organization hosting the event.
- Electronic Signatures continue to be acceptable to meet signature requirements for HCBS forms issued by DDSD and the Division of Health Improvement (DHI).
- Human Services Department and Developmental Disabilities Supports Division are partnering on guidance to transition back to the standard Level of Care (LOC) process per waiver in the coming weeks.
  - Mi Via in home assessments continue to be allowed as an option.
  - Other Appendix K allowances specific to each waiver program’s Level of Care (LOC) submission and approval process remain in effect until further notice.

According to the Governor’s June 18, 2021, announcement, “businesses may still adopt and require additional precautions for employees and/or patrons, at their discretion, and are still advised to enact whatever social distancing and face masking measures may be appropriate to ensure the health and safety of customers and staff, in accordance with Centers for Disease Control and Prevention guidance.”

All New Mexicans are encouraged to continue COVID-19 safe practices including social distancing, proper use of face coverings, frequent washing of hands, and cleaning and dis-infecting surfaces.

In New Mexico's HCBS and State General-Funded population, 590 individuals tested positive and 28 individuals have died as a result of COVID-19. Approximately 60 percent of New Mexico's HCBS population are fully vaccinated. All New Mexicans age 12+ are eligible for the COVID-19 vaccine and DDSD strongly encourages all who are not yet vaccinated to schedule their vaccine appointment at [vaccineNM.org](https://vaccineNM.org) or by calling 1-855-600-3453. Seniors and those with disabilities can call 1-800-432-2080 for support with registration and scheduling.

**For More Information:**

**CDC Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 (COVID-19) Pandemic** <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

**CDC Interim Public Health Recommendations for Fully Vaccinated People**  
<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

**CDC Mask Guidance** <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>

**CDC Updated Healthcare Infection Prevention and Control Recommendations in Response to COVID-19 Vaccination** <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-after-vaccination.html>

**NM DDSD COVID-19 Information for Developmental Disabilities Providers**  
<https://www.nmhealth.org/about/ddsd/diro/ddcv/>

**NM DDSD Provider Selection Tips During COVID-19** <https://www.nmhealth.org/publication/view/policy/6298/>

**NM Vaccine Registration** <https://goodtimes.vaccinenm.org/good-times/>