



# Developmental Disabilities Supports Division (DDSD)

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July 2017 marked the 30<sup>th</sup> anniversary of the institutional reform case, Jackson v. LLHTS et. al. Jackson is a class action lawsuit filed on July 8, 1987 that challenged various aspects of the institutionalization of individuals with developmental and intellectual disabilities at the Fort Stanton Hospital and Training School and Los Lunas Hospital and Training School, two New Mexico state-supported institutions that closed in the late 1990s. The two New Mexico institutions were closed by 1997, however new court orders and resulting agreements made by the State intending to improve the state's system for individuals with I/DD have continued to multiply over the years.

Defendants worked for years to meet the obligations contained in the 1997 Joint Stipulation on Disengagement and the accompanying Plan of Action. In 2004, following litigation brought by plaintiffs, the State agreed to add new obligations known as Appendix A. While the Defendants made progress on the obligations contained in those orders, the agreements were not completely met, and in 2010 Plaintiffs filed litigation alleging non-compliance. This action led to a week-long trial in June 2011 and although Defendants were found in non-compliance, Judge Parker noted the aspirational nature of many of the obligations and further found that Defendants were "close to complying with their remaining obligations". Judge Parker appointed Sue Gant, PhD, to assist Defendants in meeting remaining obligations and directed attorneys to work more collaboratively and less adversarially. Despite tireless efforts to meet their obligations, meaningful progress through disengagement has eluded Defendants.

On August 25, 2015, Defendants filed a motion to terminate all remaining orders in the Jackson litigation based largely on the premise that the Federal Court has "overstepped its authority" in its oversight of the waiver system in NM. While Judge Parker, in his decision, wondered "if this litigation has become an end in itself that benefits those engaged in protracted litigation more than the remaining class members", he did not agree to vacate the remaining orders.

On July 6, 2016, Defendants filed a Notice of Appeal of Judge Parker's Order to the 10<sup>th</sup> Circuit Court of Appeals. A court of appeals decides appeals from the district courts within its federal judicial circuit, and in some instances from other designated federal courts and administrative agencies. The appellate court's task is to determine whether or not the law was applied correctly in the trial court. Appeals courts consist of three judges and do not use a jury or hear evidence from witnesses, they will only hear argument of counsel.

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## JACKSON LITIGATION UPDATE(CONT.)

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The Jackson case has been scheduled for oral argument September 26<sup>th</sup> in Denver, Colorado. The official docket, or legal history of the case, along with motions prepared by both parties, has been submitted to the 10<sup>th</sup> Circuit. On September 26<sup>th</sup>, each party will be given 15 minutes to argue their position on the State's request to terminate all remaining orders in the litigation. A decision by the Court will be rendered at a later date.

While Defendants are hopeful that the community system they have established over the past 30 years will be recognized by the federal appellate court as meeting and exceeding the original intent of the 1987 litigation, we will continue, unstintingly, our work on behalf of the vulnerable populations we serve, including continued efforts to address needs identified in remaining obligations

<sup>i</sup> Memorandum Opinion and Order, Jackson v Los Lunas et al., Doc. 1930 at 195.

<sup>ii</sup> Memorandum Opinion and Order, Jackson v Los Lunas et al., Doc. 2103 at 11.

Contributor: Kathyleen Kunkel, DDSD Deputy Director

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## DIRECTOR'S CORNER

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What's up in the Director's Corner? In case you just came out from under a rock I just want you to know there is a lot going on in DDSD. Did you get to see the solar eclipse? It was a magnificent event. It gives me hope that there is still some sort of order in the universe and it also encourages me that there can still be order in the work that we do. It is my goal to instill order in our internal processes and foster informed decision making in our program planning. We need to stop ordering other folks around and seek to become more collaborative in our efforts and shared goals.

Speaking of order, September 26, in Denver, Colorado, the 10<sup>th</sup> Circuit Court of Appeals will listen to our case regarding the thirty-year Jackson Litigation (see Jackson Litigation Update). I look forward to the decision of the 10<sup>th</sup> Circuit with both excitement and commitment. Excitement that the thirty-year-old lawsuit could be over. Commitment that regardless of the outcome, we will still have work to do to provide the quality services that our fellow citizens and their families deserve.

We need to celebrate the small things that we see occurring and continue to work harder to consider input from our stakeholders. The Regional Office Request for Intervention (RORI) will be renamed the Regional Office Request for Assistance (RORA). This was a suggestion from the ACQ Policy and Quality Subcommittee. Assistance sounds a little more positive and helpful than Intervention. We are working to get input from provider agencies on other issues related to programs and services prior to making decisions.

I have asked for and received input from the Deputy Directors on my job performance. It was difficult for them, so they say, to provide that anonymous feedback. It is feedback that I will consider as we move forward. If you have feedback on my performance, please feel free to share that with me directly or send it through a Regional Office or Deputy Director. I would ask that each of us, daily, provide a positive comment to a co-worker about something that you appreciate about them. Let's celebrate the small things that occur every day in our work. Everyone, even supervisors, managers, and Deputy Directors, like to know their work is recognized and appreciated.

Thanks for all you do to provide quality lives and positive outcomes for the people we serve.

Contributor: Jim Copeland, DDSD Division Director

## KNOW YOUR RIGHTS CAMPAIGN



### HCBS Settings Requirements

#### Validation

Although the Centers for Medicare and Medicaid Services (CMS) extended the deadline for the HCBS Settings Requirements compliance until 2022, all states are required to obtain final approval of their Statewide Transition Plans by March 2019. DDSD is still working vigorously with our stakeholders towards final approval of New Mexico's Statewide Transition Plan from CMS.

The UNM Center for Development and Disability validation team has spent the summer visiting HCBS waiver service settings across the state validating results of providers' self-assessments conducted in 2015. The purpose of the provider validation is to determine compliance levels with the requirements of the CMS setting requirements and to identify training and/or technical assistance needs. Validation activities involve provider validations and participant surveys as an additional way to validate each setting. Over 300 validations have been completed thus far. The validation activities will continue through the early fall with a projected completion date of September 30. Upon completion, DDSD will notify all participants of the survey findings and next steps for our providers.

Continued on page 4

## KNOW YOUR RIGHTS CAMPAIGN (CONT.)

### Know Your Rights Campaign

DDSD continues to forge the pathway to better lives and more choices for people with intellectual and developmental disabilities through our Know Your Rights (KYR) Campaign. The Know Your Rights Campaign and Steering committee provided outreach and education through the following activities and forums this spring, summer and fall:

- Developmental Disabilities Planning Council (DDPC) Advocate Leadership Academy - KYR presentation April 10
- Parents Reaching Out (PRO) Family Leadership Conference KYR Presentation and exhibit booths April 20 and 21
- NM Allies for Advocacy Stakeholders Meeting on May 4
- Attorney General Steering Committee representative submitted a KYR synopsis to the Attorney General at his request on May 7
- Training conducted for the ARC guardians with advocates, DDSD, DDPC and Attorney General's office on May 17. 10 guardians participated
- Training conducted for the Division of Health Improvement with advocates, DDSD, DDPC and Attorney General's office on May 17. 16 DHI staff participated
- Governor's Commission on Disability Grant application submitted and approved - joint proposal NM Allies for Advocacy and PRO - KYR training at PRO state-wide support groups
- DDPC and the ARC of NM Statewide Self-Advocacy Summit - Theme is Know Your Rights So You Can Live the Life You Want! June 16 & 17 presentations and exhibit booths, keynote speaker and closing speaker for the conference
- DD Waiver Standards draft revision and Statement of Rights - input session with advocates in June
- Roswell Advocacy Statewide Conference - KYR June 30 keynote speaker and presentations
- Southwest Conference on Disabilities - Proposal accepted for October 2017

#### **DIVERSITY**

Everyone is individual and different

#### **EQUALITY**

Equal access to opportunity and individual rights

#### **INCLUSION**

Inclusion is a sense of belonging, feeling respected, and valued for who you are

Stay tuned for more exciting Know Your Rights meetings and opportunities this fall!

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## CERTIFIED EMPLOYMENT SUPPORT PROFESSIONAL CERTIFICATION

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APSE, the Association of People Supporting Employment First, created the first national certification program for employment support professionals called the Certified Employment Support Professional™ or CESP™ certification. The CESP™ program is the first in the nation to create national guidelines to validate and support the training currently provided in the field.

Unlike training programs that provide a certificate of completion, the CESP™ certification sets a standard of knowledge and distinguishes employment support professionals who have shown they have the skill and competence to perform the requirements of the job. The CESP™ exam seeks to define the benchmarks for knowledge and competency in the field in the following areas: 1) Application of Core Values and Principles to Practice & Legislation and Funding; 2) Individualized Assessment and Employment/Career Planning; 3) Community Research and Job Development; 4) Workplace and Related Supports and 5) Ongoing Supports.

Partners for Employment (PFE), a collaboration between the UNM/CDD, DDS and the Division of Vocational Rehabilitation (DVR) brought the examination to New Mexico for a second time and offered scholarships for the cost of the test. The most recent testing opportunity was held on May 19, 2017. The following eight professionals passed the exam:

Rebecca Roybal – UNM/CDD PFE Staff  
Sylvia Slefo – LifeRoots  
Adrienne Smith – UNM/CDD PFE Contractor  
Dave Brunson – DDS CI Coordinator  
Deborah Lassiter – DDS CI Coordinator  
Samuel Bailon – Tresco  
Jessica Hernandez – Community Options  
Randy Small – ENMRSH

Congratulations to these leaders in Supported Employment! New Mexico now has 24 CESP™ statewide. For more information about the ASPE CESP™ certification, please visit [www.apse.org](http://www.apse.org). PFE plans to schedule another opportunity to take the exam in New Mexico this fiscal year. Details will be forthcoming. If you are interested in taking the exam, please contact Carrie Roberts at [Carrie.Roberts@state.nm.us](mailto:Carrie.Roberts@state.nm.us).

Contributor: Carrie Roberts, DDS Community Inclusion Manager

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## BACK IN USE

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Individuals and families looking for assistive equipment may be able to obtain what they require through a program run by Adelante Development Center, Inc. in Albuquerque. This program, called “**Back in Use**”, supports individuals by recycling assistive technology devices and equipment donated by the public, and connecting those items to seniors and people with disabilities who need them. This program accepts, refurbishes and donates used computers to qualifying individuals and local non-profit organizations.

Durable medical equipment such as wheelchairs, walkers, shower chairs, lifting or transfer systems, and hospital beds may be available free of charge. The program does not repair equipment, so donated equipment must be in useable condition. The equipment is sanitized and checked before being distributed.

In order to donate assistive devices or get connected to something individuals may need, visit [www.backinuse.com](http://www.backinuse.com), or contact the Adelante Back in Use Program at 505-341-7171.

Contributor: Lisa Storti, DDS Constituent Support Manager

## SPEED OF TRUST

The final installment of a three-part series on The Speed of Trust wraps up with understanding that trust is essential to prosperity, satisfaction and joy. If you don't have a high-trust organization, you are paying taxes. Distrust gets you taxes; trust pays you dividends.



### The 7 Low-Trust Organizational Taxes™

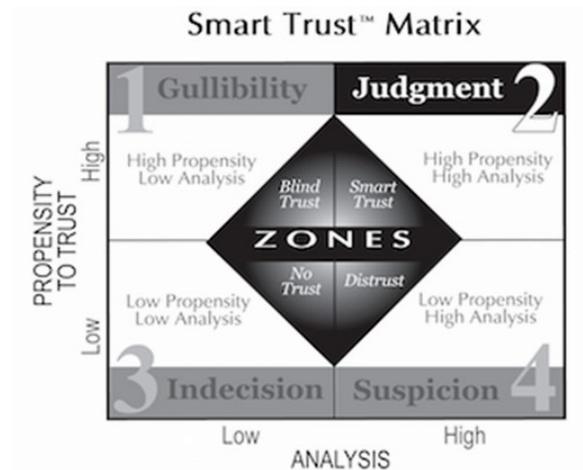
- Redundancy:** Redundancy is unnecessary duplication. A costly redundancy tax is often paid in excessive organizational hierarchy with layers of management and overlapping structures designed to ensure control.
- Bureaucracy:** Bureaucracy includes complex and cumbersome rules, regulations, policies, procedures, and processes.
- Politics:** Office politics divide a culture against itself. The result is wasted time, talent, energy, and money.
- Disengagement:** Disengagement occurs when people put in enough effort to avoid getting fired but don't contribute their talent, creativity, energy or passion.
- Turnover:** Employee turnover represents a huge cost and in low-trust companies, turnover is in excess of the industry standard – particularly of the people you least want to lose.
- Churn:** Churn is the turnover of stakeholders other than employees. When trust inside an organization is low, it gets perpetuated in interactions in the marketplace causing great turnover among customers, suppliers, distributors and investors.
- Fraud:** Fraud is flat out dishonesty, sabotage, obstruction, deception and disruption – and the cost is enormous.

### The 7 High-Trust Organizational Dividends™

- Increased value:** Watson Wyatt study shows high-trust organizations outperform low-trust organizations in total return to shareholders by 286 percent.
- Accelerated growth:** Research clearly shows customers buy more, buy more often, refer more and stay longer with companies they trust.
- Enhanced innovation:** High creativity and sustained innovation thrive in a culture of high trust.
- Improved collaboration:** High-trust environments foster the collaboration and teamwork required for success in the new global economy.
- Stronger partnering:** A Warwick Business School study shows that partnering relationships that are based on trust experience a dividend of up to 40 percent of the contract.
- Better execution:** Franklin Covey's execution quotient tool (xQ) has consistently shown a strong correlation between higher levels of organizational execution and higher levels of trust.
- Heightened loyalty:** High-trust companies elicit far greater loyalty from their primary stakeholders than low-trust companies. Employees, customers, suppliers, distributors and investors stay longer.

We can't avoid risk in life or in our organizations. The goal is to manage risk wisely and extend trust in a way that will avoid taxes and create the greatest dividends over time. "Propensity to Trust" is the tendency, inclination, or predisposition to believe that people are worthy of trust and desire to extend it to them freely. "Analysis" is the ability to analyze, evaluate, theorize, consider implications and possibilities, and come up with logical decisions and solutions.

## THE SPEED OF TRUST (CONT)



We need to remember that we can establish trust, we can grow trust, we can extend trust and we can restore trust. We can behave in ways that inspire trust and we can increase speed and lower cost. The more trust within an organization, the faster it can move to deliverable results

Contributor: Christine Fredenburgh, DDSD Provider Enrollment Info/Rec Clerk

## THERAP TRAINING RESOURCES

There are several training resources available on the Therap Services website - <https://secure.therapservices.net>. The website has a dashboard button for States and a page specifically for New Mexico. On this page, you can find User Guides for the mandated modules and information on other modules available in Therap. These contain step-by-step instructions, and are highly recommended if you have questions about a specific task you are conducting in Therap.

There is also a dashboard button for the Training Academy. On this page, you can watch training videos. These can be very informative for a general overview of Therap Modules. However, they are not State-specific as far as individual State requirements.

The User Guide for New Case Management Accounts is coming soon. There will also be a series of training webinars for New Case Management Accounts. Every Thursday at 1pm MST there will be a standing webinar for questions and answers on set up and usage of the Case Management Account. The link to participate in these webinars is <https://global.gotomeeting.com/join/321563685>. We will continue this training throughout the next two months, then move to a monthly training.

Training on how to use the Case Management Account will be held every Tuesday and Wednesday at 10:00 am and 1:00 pm MST. These trainings will last until Sept 8. The link to participate in these webinars is <https://attendee.gotowebinar.com/rt/3220596386468915458>.

For more information, contact Kathy Baker, Therap Administrator, at [kathy.baker@state.nm.us](mailto:kathy.baker@state.nm.us) or call 505-841-5524.

Contributor: Kathy Baker, DDSD Therap Supervisor

## MI VIA

### New Mi Via Website

The new Mi Via website is up and running! It can be found at <https://nmhealth.org/about/ddsd/>. The following is a summary of the website's contents.

The **Mi Via home** page includes an overview of the self-directed waiver, Frequently Asked Questions, information on how to apply, links to the service standards and appendices, regulations and self-directed forms. Additionally, the home page has information for incident reporting, a link to a listing of Mi Via consultant agencies, contact information for the Medicaid Third-Party Assessor - Qualis Health, the Fiscal Management Agency - Conduent and contact information for the Human Services Department/Medical Assistance Division/Mi Via Unit.

The **Publication** page houses all the current forms and publications associated with the Mi Via Waiver.

The **Resources** page has links to the Family Caregiver Alliances, New Mexico Direct Caregivers' Coalition and Social Services Resource Directory.

The **Staff** page has the names and contact information for the DOH/DDSD/Mi Via Unit and DOH/DDSD/Regional Office Mi Via Liaisons.

The **Communication** page houses all Mi Via Newsletters from May 2013 to present. The Mi Via Newsletters inform participants and EORs of program and/or process changes and updates.

The **Service Planning & Budgets** page covers person-centered thinking, planning and practice, as well as the development of the Mi Via Service and Support Plan (SSP) and the budget.

The **Services and Supports** page lists all Mi Via covered services which includes Consultant/Support Guide services, Community Membership services, Health and Wellness Supports, Living Supports and Other Related Goods and Supports.

Contributor: Regina Lewis, DDSD Mi Via Program Coordinator

## DDSD'S NEW WEBSITE

You asked! We listened!

DDSD is migrating to a single, and better organized website as part of DOH's effort to provide a single web portal. DDSD is migrating to the NM Department of Health's new website at [www.nmhealth.org](http://www.nmhealth.org). From the department's home page, you can navigate to DDSD's home page or go directly there at [www.nmhealth.org/about/ddsd](http://www.nmhealth.org/about/ddsd). DDSD is migrating the ACT New Mexico, Mi Via and the DDSD Archive websites to the new DOH Website at [www.nmhealth.org/about/ddsd](http://www.nmhealth.org/about/ddsd).

This migration has already begun. You can find current information about the Mi Via Waiver, and the Family Infant Toddler Program at [www.nmhealth.org/about/ddsd](http://www.nmhealth.org/about/ddsd). By December, information about all of DDSD's programs will be available at this new location. Don't worry, until the migration is finished information is still available for the DD Waiver at <http://www.actnewmexico.org/> and through our old site at <http://archive.nmhealth.org/ddsd/>.

Contributor: Marc Kolman, DDSD Deputy Director

## NEW HIRES & RETIREES

### New Hires:



Casey Stone-Romero joined Carrie Roberts at the Santa Fe office as the Statewide Employment Lead on June 17, 2017.

The Northwest Regional Office has a new Intake & Eligibility Community Coordinator which started on July 15, 2017. Let's welcome Cheryl Anderson!!!

On July 1, 2017, the Metro Intake & Eligibility acquired Wanda Husman as the PASRR Nurse.

Michael Driskell was named Metro Regional Director in Albuquerque on July 15, 2017. Congrats Michael!!!

Just recently, on August 26, 2017, Jennifer Bartos became the new Community Program Trainer at the Metro office.

### Retirements:



Evelyn Romero, ASB Staff Manager at the Santa Fe office will retire on September 1, 2017. You will be truly missed.

Contributor: Joe Anaya, DDSD Human Resources

### Mission Statements:

The Mission of the New Mexico Department of Health is to promote health and wellness, improve health outcomes, and assure safety net services for all people in New Mexico.

The Mission of the Developmental Disabilities Supports Division is to effectively administer a system of person-centered community supports and services that promotes positive outcomes for all stakeholders with a primary focus on assisting individuals with developmental disabilities and their families to exercise their right to make choices, grow and contribute to their community.

### ABOUT US:

The New Mexico Developmental Disabilities Supports Division is located at 810 San Mateo PO Box 26110 Santa Fe, New Mexico 87502-6110. Our website: [www.nmhealth.org](http://www.nmhealth.org)  
**For Information Call:** (505) 476-8973 or Toll Free: 1-877-696-1472 or email us at [SANTAFEmailbox.ddsd@state.nm.us](mailto:SANTAFEmailbox.ddsd@state.nm.us)

### DDSD Newsletter Staff:

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If you would like to write an article for the next issue of the DDSD Newsletter, have suggestions or comments, please contact Chris Futey, DDSD Newsletter Assistant Editor at 505-841-5507 or [Christopher.Futey@state.nm.us](mailto:Christopher.Futey@state.nm.us).