

**NEW MEXICO DEPARTMENT OF HEALTH
DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION
MEDICALLY FRAGILE WAIVER (MFW)**

GENERAL AUTHORITY

Effective July 1, 2019

The following Laws and standards, policies and procedures governing the provision of services under the Medically Fragile Medicaid Waiver include, but are not limited to:

The Centers for Medicare and Medicaid Services (CMS) Requirements for Home and Community-Based Services Waivers

CMS Rulings such as decisions of the Administrator, precedent final opinions, orders and statements of policy and interpretation

Health Insurance Portability and Accountability Act (HIPAA) of 1996, including the CMS Administrative Simplification Provisions

New Mexico Human Services Department (HSD) Medicaid Policy Manual, Medically Fragile Home and Community-Based Services Waiver Services ([8.314.3 New Mexico Administrative Code (NMAC)]; including Manual Revision Memorandum 10-29

Final Register vol.29 No. 54, February 27, 2018 Medically Fragile Home and Community-Based Services Waiver

Final Register vol.40 No 10, June 13, 2017 Billing for Services and Cost Sharing

HSD Medicaid Program Policy Manual

HSD Billing for Medicaid Services, 8.302.2 NMAC

HSD Medical Assistance Division Provider Participation Agreement (MAD 335)

Fair Labor Standards Act of 1938 (FLSA), as amended 29 USC §201 et seq.; 29 CFR Parts 510 to 794

Pharmacy Act (Chapter 61, Article 11 NMSA 1978)

New Mexico Nursing Practice Act, Chapter 61, Article 3, New Mexico Statute Authority (NMSA)

Certified Medication Aide Rules (16.12.5. NMAC)
The DDS Home and Community-Based Waiver Provider Agreement;

DOH/DDS Client Complaint Procedures (7.26.4 NMAC)

Long Term Services – Waivers Medically Fragile Home and Community – Based
Services Waiver Services (8.314.3 NMAC)

Medicaid Eligibility – Home and Community–Based Services (8.290.400. NMAC)
Medicaid General Provider Policies (8.302.1 NMAC)