



Legislative Health and Human Services Committee DDSD Update

August 2018

Department of Health (DOH) Developmental Disabilities Supports Division (DDSD)

DDSD administers a system of person-centered community supports and services that promotes positive outcomes for 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.

DDSD is responsible for the following programs:

- Developmental Disabilities Waiver
- Mi Via Waiver
- Medically Fragile Waiver
- Family, Infant and Toddler Program
- State General Fund Services

DD WAIVER

- There are 6,398 individuals on the central registry;
- There are 4,508 individuals on the waiting list;
- 74% of individuals on the Central Registry are 25 years old or younger;
- The average wait time for allocation is approximately 12.5 years
- 65% of people on the Central Registry are on Medicaid
- 23% of those on Medicaid are in Community Benefits (as of 12/17)

SERVICES OUTSIDE THE WAIVER

- At the time of application, individuals are given resource information for their region.
- Community Benefits
- State general fund provides respite and non-respite services to approximately 350 individuals a month.
- In FY 18 DOH used 5.4 million to support DD services and in FY 19 we have budgeted 6.2 million

Allocations for the DD Waivers

- In FY19, DOH was allocated \$2 million to reduce the waiting list
- The appropriation will provide for 80 allocations
- Since FY13, 1,374 individuals are new in service

(Data Source: HSD Client Count Reports)

DD Waivers

Traditional DD Waiver

- Waiver Term: 7/1/16 through 6/30/21
- Outside Reviewer: Reviews and approves budgets
- Approximately, 90% of budgets are being used

Mi Via

- Waiver Term: 10/1/15 through 9/30/20
- Qualis: Reviews and approves budgets
- Budget caps based on age
- Approximately, 90% of budgets are being used

Medically Fragile Waiver

- The Medically Fragile Waiver continues to serve individuals who have been determined to have both a medically fragile condition and a developmental disability or risk for I/DD.
- The Medically Fragile Waiver does not have a waiting list.
- In FY18, the Medically Fragile Waiver served 172 children and adults with \$1.4 million (SGF).

Family Infant Toddler (FIT) Program

- Provides early intervention services statewide through a network of **33 provider agencies**.
- Served **15,734** children 0 - 3 and their families in FY18 (**6.9% growth** over FY17).
- Contracted for an **independent rate study**, which was completed Dec. 2017. Estimated \$5.1 million needed to implement the rates recommended by the study.
- Maximizes revenues from **Medicaid and private insurance** for services and the federal Individuals with Disabilities Education Act (IDEA) Part C grant is utilized for infrastructure costs for the FIT Program.
- Building on work started under the Race To the Top grant the FIT Program is redesigning its professional development system to promote **practice-based coaching on evidence based early intervention practices**.

Jackson Update

- The Tenth Circuit's opinion was issued on January 23, 2018 that held in part, "We VACATE the district court's June 2016 Order and REMAND so the court can make appropriate findings and conclusions and then reassess the equities under Rule 60(b) with the benefit of those findings and conclusions." *Jackson IV* at 1207.
- Pretrial conference is scheduled in January 2019 with an anticipated trial in March 2019.
- Plaintiffs' and Defendants are currently engaged in written Discovery and depositions are scheduled for the months of August and September 2018.
- While this extensive trial preparation is executed, Defendants must continue to address the existing orders: the Remedial Plan (Evaluative Components (ECs) and some older orders).
- Meetings with the Court and Plaintiffs have been increased and Defendants must meet in Court monthly on the EC's.

LFC Program Evaluation

- DOH approached the LFC program review as an opportunity to have a different perspective about the DD waiver;
- DOH worked openly and collaboratively to provide information to the LFC to inform their work;
- While we may not agree with all the findings or recommendations, we believe there was a sincere and direct effort to understand the issues that impact the waiver, and suggestions made were intended to move the system forward;
- We see the findings as a piece of information that should inform the state about next steps, but the findings should be seen in conjunction with the realities of the people on the waiver, and information from the providers, the advocates, the agencies and others involved in the waiver system.

Stakeholders

- **HM 51 / SM 79 (Action Plan to Meet the Needs of Youth and Adults in NM with Autism Spectrum Disorder):** DDSD staff participated in this memorial to address the needs of youth and adults with Autism Spectrum Disorder (ASD). The recommendations will be presented to this Committee and the LFC.
- **Advisory Council on Quality:** Includes parents, providers and other State partners. Meets bi-monthly. ACQ members represented on DD Waiver Rate Study vendor selection.
- **Assoc. of DD Community Providers:** HSD and DOH are working to implement a rate adjustment. Public comment will be open soon and HSD will submit the request for amendment in October.
- **NM Allies:** DDSD worked successfully with this group of self advocates on the Know Your Rights campaign and hopes to continue such collaborations in the future.

Looking Forward

- New waiver applications –Both the Mi Via and Traditional Wavier terms will be up soon and reapplication with CMS is necessary in the next couple of years. (2020 and 2021 respectively).
- Traditionally the work on recommendations/changes for waiver renewal begins with public comment sessions and stakeholder work groups.
- DDSD has contracted with a vendor to conduct a Rate Study of services in the DD Waiver, Medically Fragile Waiver, and two services in the Mi Via Waiver. Concerns from the last rate study were discussed and changes were made to the process in an effort to avoid the concerns with the past study.
- NM needs broad spectrum information and planning to help define eligibility, service array, and other important aspects of the service delivery system for citizens with intellectual and developmental disabilities in New Mexico.