

Developmental Disabilities Overview

Legislative Health & Human Services
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What is a developmental disability?

The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) and New Mexico DD Act define “developmental disability” as a severe, chronic disability of an individual that:

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Purpose of the DD Act

To assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life.

Resources & Services

State Agencies

Health Care Authority – Developmental Disabilities Support Division

- Waiver Programs
- Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)
- Autism Programs
- Behavior Supports Services
- State General Fund Programs

Developmental Disabilities Council

- Center for Self Advocacy
- Office of Guardianship
- Office of the Special Education Ombud

Governor's Commission on Disability

- Residential Accessibility Modification Program (RAMP)
- New Mexico Technology Assistance Program (NMTAP)
- Brain Injury Advisory Council

Public Education Department

- Office of Special Education
- Division of Vocational Rehabilitation

Early Childhood Education and Care Department

- Family Infant Toddler Program Early Childhood Intervention
- Early Childhood Special Education

Waiver Programs

Developmental Disabilities Waiver (DD Waiver)

- Interdisciplinary Team (IDT), including case manager (agency-based)
- Budget determined by service
- Residential (supported living, family living, intensive medical living supports)
- Customized in-home supports
- Customized community supports (individual & group)
- Community integrated employment
- Occupational therapy, physical therapy, speech therapy
- Behavior support consultation
- Adult nursing
- Nutritional counseling
- Assistive technology, remote personal support technology
- Non-medical transportation
- Environmental modification
- Respite
- Preliminary Risk Screening and consultation, socialization and sexuality education, crisis supports, independent living transition, supplemental dental

Mi Via Waiver

- Self-directed with the support of a consultant
- Annual budget with three tiers based on age
- Home health aide, homemaker/direct care support, in-home living supports
- Community direct support, customized community group supports
- Employment supports
- Occupational therapy, physical therapy, speech therapy, specialized therapies
- Behavior support consultation
- Private duty nursing
- Nutritional counseling
- Emergency response service
- Transportation
- Environmental modification
- Respite
- Personal plan facilitation, individual directed goods and services, socialization and sexuality education

Waiver Programs (continued)

Supports Waiver

- Community supports coordinator (can be agency based or self directed)
- \$10,000 annual budget
- Personal care services
- Customized community supports (individual & group)
- Supported employment
- Behavior support consultation
- Assistive technology (emergency response, remote monitoring)
- Non-medical transportation
- Environmental modification
- Respite
- Vehicle modification

Medically Fragile Waiver

- Medically complex with intellectual/developmental disabilities or risk of I/DD
- Nurse case manager (can be agency based or self directed)
- Budget based on age and level of care
- Home health aide
- Customized community group supports
- Occupational therapy, physical therapy, speech therapy, massage therapy
- Behavior support consultation
- Private duty nursing
- Nutritional counseling
- Environmental modification
- Respite
- Specialized medical equipment, vehicle modification, individual goods and services

NM Developmental Disabilities Council

The NMDDC will promote advocacy, capacity building, and systemic change to improve the quality of life for individuals with developmental disabilities and their families.

New Mexicans with developmental disabilities and their families will have a culturally competent and coordinated individual and family-centered and -directed comprehensive system of community services, individualized supports, and other forms of assistance that will enable New Mexicans with developmental disabilities to exercise self-determination, be independent, productive, and integrated, and included in all facets of community life.

NMDDC Programs

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Center for Self-Advocacy (CSA)

Advocate Leadership Academy

Self-advocate peer support and community building

Marilyn Martinez
State Jobs Program

Office of Guardianship (OOG)

Adult guardianship and legal services to income-eligible New Mexicans with disabilities

Guardianship oversight and systemic reform

Alternatives to guardianship

Office of the Special Education Ombud (OSEO)

Advocating with students with disabilities and their families to obtain individualized educational services in public schools

Special education systemic reform

Special education data reporting

Emerging Concerns

World Health Organization (WHO) & United Nations Children's Fund (UNICEF) 2023 Report

- In 2019, 217 million children and youth were affected by health conditions contributing to a developmental disability.
- Undetected and untreated health issues due to fragmented and underfunded health care systems
- Barriers to health care access include lack of information and training, stigma, and limited understanding of DD

Negative Impacts at the Federal Level

- Medicaid cuts
- Disability rights and protections (dismantling protection and advocacy system)
- Research and development (dismantling university centers for excellence in DD education, research, and service)
- Employment opportunities (dismantling DEI initiatives)
- Special education funding and oversight
- Increased stigma

Questions?

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