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SENATE MEMORIAL 17

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Gerald P. Ortiz y Pino

A MEMORIAL

URGING THE DELAY OF IMPLEMENTATION OF CHANGES IN COORDINATED
LONG-TERM SERVICES.

WHEREAS, the human services department and the aging and
long-term services department have planned to implement a new
program of managed care for individuals receiving long-term
services, known as coordinated long-term services, beginning on
July 1, 2008; and

WHEREAS, persons receiving services provided in the
disabled and elderly waiver, the personal care option or
nursing facilities would be required to receive all medical and
long-term medicaid services through coordinated long-term
services; and

WHEREAS, the number of "slots" for community-based waiver
services in coordinated long-term services will be lower than

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1 the number currently established for the disabled and elderly
2 waiver program, despite the great demand for these services;
3 and

4 WHEREAS, access to community-based long-term services will
5 not increase in coordinated long-term services because waiver
6 slots will continue to be limited; and

7 WHEREAS, current rules on income eligibility favor
8 institutional placement, and so access to personal care option
9 services will still be available only to those with the lowest
10 income; and

11 WHEREAS, implementation of coordinated long-term services
12 will not reduce the waiting list for disabled and elderly
13 waiver services, which waiting list includes over eight
14 thousand persons and continues to grow; and

15 WHEREAS, time spent waiting for services is getting
16 longer, and, as a result, people will be forced to enter
17 nursing facilities or to go without critical services; and

18 WHEREAS, the Money Follows the Person in New Mexico Act,
19 which allows a person who receives medicaid-funded services in
20 a nursing home to use those funds to pay for community services
21 in a waiver slot, was passed unanimously by both chambers of
22 the legislature and was signed into law in March 2006; and

23 WHEREAS, the Money Follows the Person in New Mexico Act
24 should allow more people to receive community services without
25 increasing medicaid expenditures; and

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1 WHEREAS, the proposed reduced limits on authorized waiver
2 slots in coordinated long-term services would make full
3 implementation of the Money Follows the Person in New Mexico
4 Act impossible; and

5 WHEREAS, the rate structure for monthly payments to the
6 coordinated long-term services managed care organizations for
7 each individual enrolled is critical to determining whether an
8 adequate level of services will be provided to participants;
9 and

10 WHEREAS, a question remains as to whether there will be
11 incentives to serve seniors and persons with disabilities in
12 the community rather than in institutions, but the state has
13 not yet provided the legislature or other stakeholders with
14 information about the rate structure; and

15 WHEREAS, the state should be very cautious in moving
16 toward managed care for long-term services, given the state's
17 previous experience with managed care for physical and
18 behavioral health; and

19 WHEREAS, development of the coordinated long-term services
20 program has been undertaken by the human services department
21 and the aging and long-term services department with minimal
22 involvement by the legislature; and

23 WHEREAS, advocates for seniors and persons with
24 disabilities have expressed serious and legitimate concerns
25 over whether the program, as designed, will achieve its stated

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1 goal of improving accessibility to long-term services in the
2 community rather than in institutions;

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
4 OF NEW MEXICO that the human services department and the aging
5 and long-term services department be requested to delay
6 implementation of coordinated long-term services until July 1,
7 2009, at the earliest; and

8 BE IT FURTHER RESOLVED that the two departments consult in
9 a meaningful way with representatives of providers and
10 consumers on the design of the coordinated long-term services
11 program; and

12 BE IT FURTHER RESOLVED that upon implementation of a
13 coordinated long-term services program, the departments report
14 regularly to the interim legislative finance committee and
15 legislative health and human services committee on progress in
16 developing the coordinated long-term services program; rates
17 being paid for providers and enrollment; the cost per client;
18 administrative costs; current rate structures; and the ways
19 these provide incentives for community services instead of
20 institutional care; and

21 BE IT FURTHER RESOLVED that the departments also regularly
22 report on the numbers of clients in home- and community-based
23 waiver services, persons receiving personal care option
24 services and the numbers of persons in nursing homes; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the chairs of the interim legislative finance
2 and health and human services committees and to the secretaries
3 of human services and aging and long-term services.

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