

1 AN ACT

2 RELATING TO DEVELOPMENTAL DISABILITIES; REQUIRING THE HUMAN  
3 SERVICES DEPARTMENT AND THE DEPARTMENT OF HEALTH TO OBTAIN  
4 PRIOR LEGISLATIVE APPROVAL OF ANY APPLICATION, RENEWAL OR  
5 MODIFICATION TO THE DEVELOPMENTAL DISABILITIES HOME- AND  
6 COMMUNITY-BASED SERVICES WAIVER THAT WOULD RESULT IN CHANGES  
7 TO HOW ELIGIBILITY OR A RECIPIENT'S LEVEL OF CARE OR SUPPORTS  
8 IS DETERMINED; ENACTING A TEMPORARY PROVISION TO REQUIRE THE  
9 HUMAN SERVICES DEPARTMENT AND THE DEPARTMENT OF HEALTH TO  
10 SEEK TO REESTABLISH PRIOR PROVISIONS OF THE DEVELOPMENTAL  
11 DISABILITIES HOME- AND COMMUNITY-BASED SERVICES WAIVER UNDER  
12 FEDERAL LAW.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. DEVELOPMENTAL DISABILITIES WAIVER--CERTAIN  
16 APPLICATIONS, RENEWALS OR MODIFICATIONS--LEGISLATIVE  
17 APPROVAL.--The human services department and the department  
18 of health shall obtain prior legislative approval of any  
19 application, renewal or modification that would result in  
20 changes as to how eligibility or a recipient's level of care  
21 or supports is determined that the departments seek to make  
22 to a federal waiver of the requirements of the federal Social  
23 Security Act relating to the provision of home- and  
24 community-based supports and services to individuals with  
25 developmental disabilities.

1           SECTION 2. TEMPORARY PROVISION--DEVELOPMENTAL  
2 DISABILITIES--SUPPORTS AND SERVICES--WAIVER UNDER THE FEDERAL  
3 SOCIAL SECURITY ACT.--

4           A. By August 1, 2013, the human services  
5 department and the department of health shall seek a  
6 modification of the current waiver of state medicaid plan  
7 requirements, pursuant to Section 1915(c) of the federal  
8 Social Security Act and relating to the provision of supports  
9 and services to individuals with developmental disabilities,  
10 to reestablish the provisions of the state developmental  
11 disabilities home- and community-based services waiver that  
12 were in existence as of June 1, 2011.

13           B. The provisions of Section 1 of this act shall  
14 not apply to the waiver modification sought pursuant to this  
15 section. \_\_\_\_\_

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