



# DISABILITY RIGHTS NEW MEXICO

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*Promoting and Protecting the Rights of Persons with Disabilities*

## Home and Community-Based Waiver Services (HCBS)

- HCBS waiver program offers long term services to limited number of individuals whose income is too high to qualify for Medicaid (pre-2014, 76% to 225% FPL).
- Formerly known as “D&E waiver”, then CoLTS-c waiver, now part of Centennial Care.
- Recent years: waiting list of 15,000 to 16,000 people

How the waiver component of Centennial Care should expand access to services:

- 300 more total slots authorized than under CoLTS
- Those currently in slots with income above 75% but below 138% no longer need a slot – they have access to services as a basic Medicaid benefit. Their slots can be vacated and allocated taken to persons on the waiting list. HSD estimate: 900 slots

Results to date:

- Apparently, no slots relinquished yet
- Total enrollment was dropping before, and continues to drop:

	ENROLLMENT IN HCBS WAIVER (NON-DD)					TOTAL	
	Elders	Brain Injury	Blind	Disabled			
May 2013	1576	293	5	1421		3295	
Sept. 2013	1591	291	5	1460		3347	
Dec. 2013	1541	282	4	1430		3257	
Jan. 2014	1519	271	4	1378		3172	
April 2014	1442	267	4	1335		3048	
May 2014	1435	265	3	1313		3016	
Change	-141	-28	-2	-108		-279	-8.5%

### Problems with the nursing home transition priority

- Nursing home residents in facility for at least 90 days, who want to transition back to home or community setting, get first priority when a HCBS slot does become available, rather than person at top of waiting list.
- Creates incentive to go *into* a nursing home in order to get out, with access to the long term services needed to remain in the community, and bypass the 16,000 people on the waiting list.
- This issue not new to Centennial Care but a continuation of earlier policy, and this is strictly a state policy, not a federal requirement.

So far, the HCBS waiver is not living up to its promise.