

NCH Dean
- The three of us; ~~Daniel Ekman~~, Adam Shand and *myself*; represent a significant cross-section of what populations would be served by what we are here to talk about today, the Money Follows the Person Act of New Mexico passed in 2006. Between us we personally deal with the daily life challenges of traumatic brain injury, the developmental disability of autism and cerebral palsy. The target populations for this Act are individuals affected by developmental disability, physical disability and the elderly and therefore we speak on behalf of two-thirds of this vulnerable demographic.

- A brief history of Money Follows the Person (MFP) is that it was first authorized as a demonstration grant by congress as part of the 2005 Deficit Reduction Act (DRA) and then extended in 2010 by the Patient Protection and Affordable Care Act (PPACA). It was designed to shift Medicaid's long term spending from institutional care to home and community based services (HCBS) for the disabled and elderly. Congress authorized up to 4 billion dollars nationally in federal funds to support a two-fold effort by state Medicaid programs to: (1) transition people living in nursing homes and other long term care institutions to personal homes, apartments, or group homes of four or fewer residents and (2) change state policies so that Medicaid funds for long term care services and supports can "follow the person" to the setting of his or her choice instead of suffering through years and years of waiting lists. MFP is administered by the Centers for Medicare and Medicaid Services (CMS), which initially awarded MFP grants to 30 states in 2007 and later in 2011 to another 19 of which New Mexico was luckily one. This would allow New Mexico an enhanced 86/14 match for Federal Medicaid funds to assist in the transition period as the State implements MFP.

- In 2006 the New Mexico Legislature passed the Money Follows the Person in New Mexico Act, sponsored by Senator Dede Feldman and Representative Edward Sandoval, into law. MFP was great news for disabled and elderly people in New Mexico for it represented choice for the first time. Finally people who had been 'locked up' would have hope and the opportunity to no longer be kept apart from their communities and be forced to languish on waiver waiting lists with the availability of this federal incentive. "Everybody else makes choices, why not people with disabilities?" said Larry Maestas of Albuquerque's State Department of Labor in a 2006 press release.

- However, despite such great hopes New Mexico's history with MFP has been fraught with conflict and difficulty. In 2006, the MFP grant application was abandoned. After the PPACA was extended in 2010 New Mexico applied for and received a federal MFP grant award in February 2010 to implement the program beginning in July 2011 in the amount of \$595,000 and another \$23,724,360 to continue MFP from 2012 to 2016 which were exactly the amounts requested by the state in their grant plan.

- The Money Follows the Person in New Mexico Act allows institutional care medicaid funds to be used instead for community services following the person into the community without placing a person on a waiver waiting list; and

- According to a February 2011 legislative finance committee report, the average monthly cost of a nursing home stay in New Mexico was three thousand three hundred sixty-nine dollars seventy-five cents (\$3,369.75) in fiscal year 2007.

- The per-member per-month expenditure for individuals enrolled in the coordination of long-term services, CoLTS, "c" waiver for home- and community-based services for elderly and disabled individuals was two thousand eighty-five dollars (\$2,085) in fiscal year 2010; and data for fiscal year 2011 from the human services department show that the statewide average monthly cost of self-directed home- and community-based waiver services delivered in the privacy of the home is two thousand nine hundred twenty-four dollars sixty-seven cents (\$2,924.67)

- Our own Health and Human Services Department even stated in their grant application to the Center for Medicare and Medicaid that, "5,700 Medicaid participants continue to reside in institutions in the state and many of them – with adequate services and supports – could be safely transitioned into the community."

- According to the Kaiser Family Foundation, 94% of the nursing homes in New Mexico had deficiencies in the year 2009. Worse, 30% had deficiencies for "actual harm or jeopardy." The United States Inspector General in a report to the US Health and Human Services Department cited an even higher number of 97% of nursing homes with deficiencies in 2007.

- Also, according to a 2011 Mathematica Policy Research study about transition outcomes, 81% of the 803 participants were satisfied with their life after they transitioned into the community, compared with only 58% satisfaction before the transition. Most importantly, in a separate study published in 2011 by Mathematica Policy Research, 85% of the Money Follows the Person participants remained in the community after Year 1 of their transition out of nursing homes or

institutional care. This figure includes 84% of the participants with physical disabilities and 95% of the people with intellectual disabilities. Less than 10% of the 4,746 participants were re-institutionalized.

- 72% of the people with intellectual disabilities were working in the community after year 1.