

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN and KARIN WALDROP, as parents
And legal guardians of B.W., et al.,

Plaintiffs,

vs.

CIV 14-0047 JCH/KBM

NEW MEXICO HUMAN SERVICES
DEPARTMENT, et al.,

Defendants.

Stipulated Interim Agreement

1. The Department will extend current service plans for people in categories A and B who have not gone through transition until The Honorable Judith C. Herrera decides the pending Motion for Preliminary Injunction or December 31, 2014, whichever comes first.



~~2. People in categories C through G who feel that their health and safety are at risk can go through the H application process. If an applicant receives fewer services than requested upon application, that decision would be appealable as an adverse action.~~

3. Defendants make no admission that anyone's health and safety have been placed at risk.

4. This Agreement will be effective as of June 26, 2014.

Karen Bomolen
UNITED STATES CHIEF MAGISTRATE JUDGE

Date: June 25, 2014

Signatories:

Jennifer D. Hall Jennifer D. Hall 6/25/14
MAUREEN A. SANDERS Maureen A. Sanders 6/25/14
Nancy L. Simmons Nancy L. Simmons 6/25/14
Nancy Koehnberg Nancy Koehnberg 6/25/14
JASON GORDON Jason R. Gordon 6/25/14

TO: DD Waiver Providers

FROM: Jennifer Rodriguez, DDS DD Waiver Program Manager 

RE: Stipulated Interim Agreement for DDW Participants in NM DDW Groups A and B

DATE: June 27, 2014

On June 26, 2014, the Department of Health and Human Services agreed to a Stipulated Interim Agreement with plaintiffs of a new lawsuit filed in US District Court.

Effective June 26, 2014 the following will take place:

1. Individuals assigned to DDW Groups A and B, whose ISP will expire on or after 06/26/2014 and have not yet transitioned out of 24-hour supports (Family Living Services or Supported Living Services,) the current ISP will be extended through 12/31/14 utilizing a new pro-rated budget. A new prior authorization number will be generated by the Third Party Assessor (TPA) and faxed to case management agencies within a few days of approval. The term of the pro-rated budget will be from the begin date of their original ISP term to 12/31/14.
2. Case managers are still required to conduct pre-ISP and annual ISP meetings for the individuals that receive a pro-rated budget. The original ISP term will not change. However, you do *not* need to submit the ISP or ISP attachments to the TPA until you receive further instructions on how and when to proceed from Jan.1, 2015 forward.
3. If there are any changes that need to be made to the extended pro-rated budgets, it should be done utilizing the current revision process.
4. For any questions please contact Jennifer Rodriguez at Jennifer.rodriguez@state.nm.us. Thank you for your attention to this very important matter.

