

Date: January 19, 2010
To: All DD Waiver Providers
From: Mikki Rogers, Division Director (*signature on file*)
Re: Retro-Active Reviews

DD Waiver Provider;

Regulations for the State of New Mexico and the federal Centers for Medicaid and Medicare Services require prior authorization for all eligibility and service authorizations. During State of New Mexico fiscal year 2009, approximately 40% of individuals receiving DD Waiver services required a retro-active review request for the individual's Level of Care, Supported Living Service, or Outlier Service. The approval of such requests violates both state and federal regulations requiring prior authorization.

Effective February 15, 2010, DDS D will implement the following:

1. Requests for retro-active approval of services (any service) will no longer be approved. Medicaid regulations do not allow these approvals.
2. Requests for retro-active Level of Care may be approved (with justification explaining the reason for the expired Level of Care). This decision is based on the need to have an approved Level of Care in order to authorize services going forward.
3. Upon the fourth request for a retro-active Level of Care request for a single case manager, within a calendar year, DDS D will assess a \$250.00 civil monetary penalty upon the agency which employs or sub-contracts with said case manager. The \$250.00 civil monetary penalty will then be imposed upon the case management agency for each successive incident of expired Level of Care by each case manager.
4. Additional sanctions may apply when DDS D identifies a problematic trend across a case management agency.

It is the expectation of DDS D that each case manager and Case Management Agency will submit all relevant documents to New Mexico Medicaid Utilization Review in a timely manner to assure that each individual receives services according to relevant state and federal regulations. Please contact your local DDS D Regional Office with any questions regarding this communication.