

Date: November 1, 2020

DDSD-DDW Numbered Memo 2020-06

To: All DD Waiver Case Management Provider Agencies and Provider Agencies

From: Community Programs Bureau-Leah Manning Statewide Case Management Coordinator *LM*

CC: Scott Doan, Deputy Director, Christina Hill Deputy Bureau Chief, and Marie Velasco, DDW *OK*  
Program Manager

Subject: Timely Budget Submissions and Retroactive Budget Approvals

The Developmental Disabilities Supports Divisions (DDSD) is working with DD Waiver case management agencies to improve timely budget submissions and to avoid any submissions for budget approval after a start date has been established. Providers should conduct quality assurance and improvement activities to prevent budget submission errors.

All DD Waiver Provider Agencies must follow applicable standards, regulations, and guidelines, i.e.:

- **DD Waiver Service Standards Chapter 7.3.3 Adult Budget Submission Process** which requires DD Waiver providers to verify and confirm (within 48 hours of receiving a Budget Worksheet (BWS) from the case manager) the accuracy of service codes and modifiers, units, and start dates agreed upon in planning;
- **NMAC 8.302.2.11 Billing and Claims Filing Limits** which describes 90-day timely filing limits; and
- Federal requirements that do not allow waiver services to be provided if not in the person-centered plan.

DDSD understands errors and oversights may occur and will continue a retroactive review process for exceptional circumstances. However, beginning November 1, 2020, requests to DDSD to allow the clinical review of retroactive service dates must adhere to the following:

1. A request is made by the applicable provider agency to the Case Manager with all required documentation no later than 90 days from the planned start date of the service.
2. Documentation required to support the request are:
  - a. Secondary Freedom of Choice selecting the applicable provider prior to the start date of services.
  - b. Interdisciplinary Team (IDT) meeting minutes and signature page reflecting decisions and start dates for the services in the retroactive review request (or other documentation demonstrating phone or email consensus).
  - c. Documentation supporting provision of the service for the retroactive time frame of the request.
  - d. Budget Worksheet reflecting the changes.
  - e. **Copy of the 48 - hour advance notice Scomm from the Case Manager to the Provider:** If one cannot be provided a letter from the Case Management agency

identifying current agency procedures for adhering to the DD Waiver Service Standards and identifying how the agency will provide oversight and update procedures as necessary to more effectively meet requirements.

- f. **Copy of the reply from the provider agency to the 48-hour advance notice Scomm from the Case Manager:** If one cannot be provided, a letter from the Provider agency identifying current agency procedures for adhering to the DD Waiver Service Standards and identifying how the agency will provide oversight and update procedures as necessary to more effectively meet requirements.
  - g. Letter of Explanation from both the Case Management Agency and applicable provider agency on Agency letterhead containing: Name, DOB, reason for error, and what will be put in place to prevent a retroactive request in the future. Letters must be on agency letterhead, with director's signature.
3. The Case Manager sends the above documentation and Retroactive Review Request Form to DDSD Regional Office Case Management Coordinator within seven (7) calendar days of receipt of information from the applicable provider.
  4. DDSD reviews the request from the case manager within fourteen (14) calendar days of receiving all required documentation.
  5. Statewide Case Management Coordinator or designee will stamp the Retroactive Review Request Form allowing the CORE to review retroactive start dates with DDSD date and issue to the case manager using secure email (CISCO).
  6. Within seven (7) calendar days of the date -stamped form provided by DDSD, the Case Manager is responsible for submitting to the CORE, the revision with the Retroactive Review Request Form stamped by the Statewide Case Management Coordinator
  7. If a service is approved with retroactive start dates, the applicable provider agency is still responsible for timely billing or to follow any further process set forth by Human Services Department needed to lift timely filing limits.

Please work with your case manager to meet these requirements and contact DDSD Regional Office Case Management Coordinator with any issues as soon as possible if delays are unavoidable. The above process is lengthy and may require lifting of timely filing limits to complete. Please see attached Retroactive Review Request Form effective 11/1/2020.