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To: Waiver Providers, Vendors, and Consultants  
From: DDSB  
Date: September 15, 2016  
Re: "Know Your Rights" Provider and Vendor Preparation

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We are excited to join in a nationwide movement to ensure the rights and dignity of all individuals with disabilities, including those with intellectual and developmental disabilities (I/DD,) in the United States are fully realized. On January 16, 2014, the Centers for Medicare and Medicaid Services (CMS) published a Final Rule addressing several sections of the Social Security Act. The Final Rule amends the regulations which govern the Medicaid 1915 (c) Home and Community Based Services (HCBS) waiver programs. These rules are an important step forward in federal policy, supporting inclusion and integration of people with intellectual and developmental disabilities in the community.

The Final Rule applies to New Mexico's Home and Community Based Services provided through the Developmental Disabilities, Mi Via and Medically Fragile waivers, as well as Centennial Care. All states are required to be in compliance with the new rule by March 2019.

The Developmental Disabilities Supports Division (DDSD) is launching the "Know Your Rights" campaign which is what we will now call the HCBS settings requirements transition plan and implementation.

DDSD envisions and anticipates a collaborative effort with all waiver providers, consultants, vendors and stakeholders in understanding, planning for, implementing, and monitoring the new settings requirements in order for our state to be compliant by March 2019 and ongoing.

An initial step in the New Mexico Statewide Transition Plan for compliance was to complete a systemic assessment of each of the waivers to identify where our "rules" were either *compliant*, *partially compliant*, *silent*, or *conflicting*. DDSD assessed our waiver applications, program standards, NMAC regulations, and provider/vendor agreements to determine a baseline for compliance and identify where changes were necessary. DDSD is currently working to make the necessary adjustments in identified areas.

DDSD is requesting that every provider/vendor who provides residential, day, and/or employment services assess their agency policies, procedures, guidelines, and daily operations in the same manner to identify where you as an agency will presumably need to make some adjustments. This will provide a framework for each agency to make necessary changes at the agency level.

CMS issued "Exploratory Questions" for both residential settings and non-residential settings which identify specifics about expectations for settings and areas that will be assessed. DDSD has attached the CMS Exploratory Questions for your convenience.

As waiver providers/vendors assess their individual programs, the State will begin site visits, online surveys and participant/guardian surveys as part of our validation component of New

Mexico's Statewide Transition Plan. This will begin in the fall of 2016. Additional information will follow regarding this process and what to expect.

As we work together to improve the nature and quality of people's experiences in HCBS settings remember we are all in this together. Not one entity alone will be able to successfully implement the settings requirements. Together we can strengthen autonomy, community integration and choice for people with intellectual and developmental disabilities. We will ensure humanity, civil rights, self-direction, dignity and personal informed choice and is preserved and respected.