

1 HOUSE BILL 249

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson

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10 AN ACT

11 RELATING TO DISABILITIES; AMENDING AND ENACTING SECTIONS OF THE
12 DEVELOPMENTAL DISABILITIES ACT TO REQUIRE THE DEPARTMENT OF
13 HEALTH TO DEVELOP A WRITTEN SERVICE PLAN TO ESTABLISH SERVICE
14 TARGETS.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 28-16A-1 NMSA 1978 (being Laws 1993,
18 Chapter 50, Section 1) is amended to read:

19 "28-16A-1. SHORT TITLE.--~~[Sections 1 through 18 of this~~
20 ~~act]~~ Chapter 28, Article 16A NMSA 1978 may be cited as the
21 "Developmental Disabilities Act"."

22 SECTION 2. Section 28-16A-16 NMSA 1978 (being Laws 1993,
23 Chapter 50, Section 16) is amended to read:

24 "28-16A-16. DETERMINATION OF RATES FOR PAYMENT FOR
25 SUPPORT AND SERVICES.--

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1 A. The department shall develop, implement and
2 maintain a provider reimbursement system based on the level of
3 support and services required by a person with a developmental
4 disability.

5 B. If the approved funding from the legislature
6 does not permit the implementation of a reimbursement system
7 using the considerations provided for in this section, the
8 department shall develop and implement a service reduction
9 plan.

10 C. The department shall report to the legislature
11 and the governor the impact of any service reduction plans and
12 the steps that will be taken to reinstate those services.

13 D. The department shall report annually to the
14 legislature and the governor an estimate of the costs of
15 maintaining support and services for persons with developmental
16 disabilities being served, including the effects of changes in
17 the costs of providing support and services [~~an estimate of the~~
18 ~~costs of providing support and services to persons that are~~
19 ~~eligible for service but not receiving services]~~ and the
20 request of the department for funding of services.

21 E. Contractors shall be required to submit records
22 of support and services delivered as determined by the
23 department, subject to monitoring by the department.

24 F. Contingent upon appropriations, the department
25 shall conduct an independent biannual cost study for the

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1 purpose of establishing payment rates. The results of this
2 study shall be submitted to the legislature."

3 SECTION 3. A new section of the Developmental
4 Disabilities Act is enacted to read:

5 "[NEW MATERIAL] SERVICE PLAN--CENTRALIZED REGISTRY--
6 CONSULTATION--REPORTING.--

7 A. By November 1, 2013, the department shall
8 develop a written service plan pursuant to which, over a period
9 of no more than five state fiscal years, the department will
10 serve all persons who are on the department's developmental
11 disabilities supports division's centralized registry who are
12 likely to be determined eligible for and ready to enroll in
13 waiver services.

14 B. The written service plan developed pursuant to
15 Subsection A of this section shall be updated each state fiscal
16 year to reflect changes in the centralized registry and to
17 apply to the subsequent period of no more than five state
18 fiscal years.

19 C. The department shall design the service plan so
20 that it provides a comprehensive, effective strategy for
21 providing services to eligible persons with disabilities in the
22 least restrictive settings possible. The service plan shall
23 include the following information:

24 (1) the number of persons who are currently on
25 the centralized registry and awaiting waiver services,

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1 categorized by age, county of residence and years on the
2 centralized registry;

3 (2) an estimate of the number of persons
4 projected to be placed in services during the subsequent state
5 fiscal year. This estimate shall be derived from an analysis
6 of the percentage of those persons on the centralized registry
7 whom the department deems to be likely to be determined
8 eligible for waiver services and ready to enroll in services if
9 offered, based on the historical experience of the department
10 in previous allocations of services;

11 (3) an estimate of the average annual cost of
12 providing waiver supports and services to persons who are
13 likely to be determined eligible and ready to enroll in
14 services during the subsequent state fiscal year;

15 (4) a target for the number of persons to be
16 moved from the centralized registry into services each year
17 over the period not to exceed five state fiscal years covered
18 by the service plan, and the amount of new state funding needed
19 each year to meet the target;

20 (5) for the subsequent state fiscal year, the
21 amount of additional state funding that the department in its
22 most recent official budget request submission to the
23 legislative finance committee has requested to address the need
24 to provide service allocations to persons on the centralized
25 registry awaiting allocation;

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1 (6) information regarding enrollment in and
2 state funding for the waiver program for the current state
3 fiscal year, and for at least the previous three state fiscal
4 years; and

5 (7) for the most recent three state fiscal
6 years, information regarding:

7 (a) the amount of additional funding
8 that was provided for the purpose of allocating waiver services
9 to people who had been awaiting allocation on the centralized
10 registry; and

11 (b) the number of individuals actually
12 placed in waiver services as a result of that additional
13 funding.

14 D. In developing the initial service plan and
15 subsequent annual updates of the service plan, the department
16 shall consult with and involve relevant stakeholders.
17 Stakeholders shall include individuals with developmental
18 disabilities, family members and guardians of individuals with
19 developmental disabilities, disability advocacy organizations,
20 providers of services to individuals with developmental
21 disabilities and other interested parties.

22 E. The service plan and subsequent annual updates
23 shall be presented no later than November 1 of each year to the
24 governor, the legislative health and human services committee
25 and the legislative finance committee.

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1 F. Implementation of the service plan by the
2 department shall be subject to appropriation and the
3 availability of state and other funds for this purpose."

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