

1 SENATE BILL 458

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

3 INTRODUCED BY

4 Nancy Rodriguez

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10 AN ACT

11 RELATING TO DEVELOPMENTAL DISABILITIES; REQUIRING THE HUMAN
12 SERVICES DEPARTMENT AND THE DEPARTMENT OF HEALTH TO OBTAIN
13 PRIOR LEGISLATIVE APPROVAL OF ANY APPLICATION, RENEWAL OR
14 MODIFICATION TO THE DEVELOPMENTAL DISABILITIES HOME- AND
15 COMMUNITY-BASED SERVICES WAIVER THAT WOULD RESULT IN CHANGES TO
16 HOW ELIGIBILITY OR A RECIPIENT'S LEVEL OF CARE OR SUPPORTS IS
17 DETERMINED; ENACTING A TEMPORARY PROVISION TO REQUIRE THE HUMAN
18 SERVICES DEPARTMENT AND THE DEPARTMENT OF HEALTH TO SEEK TO
19 REESTABLISH PRIOR PROVISIONS OF THE DEVELOPMENTAL DISABILITIES
20 HOME- AND COMMUNITY-BASED SERVICES WAIVER UNDER FEDERAL LAW.

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

23 SECTION 1. DEVELOPMENTAL DISABILITIES WAIVER--CERTAIN
24 APPLICATIONS, RENEWALS OR MODIFICATIONS--LEGISLATIVE
25 APPROVAL.--The human services department and the department of

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1 health shall obtain prior legislative approval of any
2 application, renewal or modification that would result in
3 changes as to how eligibility or a recipient's level of care or
4 supports is determined that the departments seek to make to a
5 federal waiver of the requirements of the federal Social
6 Security Act relating to the provision of home- and community-
7 based supports and services to individuals with developmental
8 disabilities.

9 SECTION 2. TEMPORARY PROVISION--DEVELOPMENTAL
10 DISABILITIES--SUPPORTS AND SERVICES--WAIVER UNDER THE FEDERAL
11 SOCIAL SECURITY ACT.--

12 A. By August 1, 2013, the human services department
13 and the department of health shall seek a modification of the
14 current waiver of state medicaid plan requirements, pursuant to
15 Section 1915(c) of the federal Social Security Act and relating
16 to the provision of supports and services to individuals with
17 developmental disabilities, to reestablish the provisions of
18 the state developmental disabilities home- and community-based
19 services waiver that were in existence as of June 1, 2011.

20 B. The provisions of Section 1 of this act shall
21 not apply to the waiver modification sought pursuant to this
22 section.