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SENATE JOINT MEMORIAL

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL

REQUESTING THE HUMAN SERVICES DEPARTMENT TO IMPLEMENT THE MONEY  
FOLLOWS THE PERSON IN NEW MEXICO ACT AND TO USE FEDERAL GRANT  
FUNDS AWARDED TO MOVE ELIGIBLE DISABLED INDIVIDUALS FROM  
INSTITUTIONAL CARE AND REINTEGRATE THEM INTO THEIR HOMES AND  
COMMUNITIES IN ORDER TO ENHANCE THEIR QUALITY OF LIFE AND CUT  
CARE COSTS.

WHEREAS, many New Mexicans who are living with  
disabilities are unable to get their basic needs met without  
assistance to help them accomplish their activities of daily  
living; and

WHEREAS, currently, thousands of these individuals are  
awaiting placement in home- and community-based services, many  
for as long as eight years; and

WHEREAS, by providing services under medicaid home- and

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1 community-based waivers, the state's medicaid program can  
2 provide culturally responsive, appropriate and high-quality  
3 long-term services that empower individuals to live  
4 independently, productively and with dignity in a safe and  
5 healthy environment within their communities; and

6 WHEREAS, currently, human services department policy  
7 dictates that individuals will not receive services under a  
8 home- and community-based waiver unless those individuals are  
9 first removed from their homes and communities and placed in  
10 nursing facilities; and

11 WHEREAS, the Money Follows the Person in New Mexico Act  
12 allows institutional care medicaid funds to be used instead for  
13 community services following the person into the community  
14 without placing a person on a waiver waiting list; and

15 WHEREAS, according to a February 2011 legislative finance  
16 committee report, the average cost of a nursing home stay in  
17 New Mexico was three thousand three hundred sixty-nine dollars  
18 seventy-five cents (\$3,369.75) in fiscal year 2007; and

19 WHEREAS, the per-member per-month expenditure for  
20 individuals enrolled in the coordination of long-term services,  
21 CoLTS, "c" waiver for home- and community-based services for  
22 elderly and disabled individuals was two thousand eighty-five  
23 dollars (\$2,085) in fiscal year 2010; and

24 WHEREAS, data for fiscal year 2011 from the human services  
25 department show that the statewide average monthly cost of

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1 self-directed home- and community-based waiver services  
2 delivered in the privacy of the home is two thousand nine  
3 hundred twenty-four dollars sixty-seven cents (\$2,924.67); and

4 WHEREAS, the Money Follows the Person in New Mexico Act  
5 promotes more cost-effective use of long-term services funds  
6 and furthers New Mexico's efforts to rebalance the long-term  
7 services system away from institutional care and toward  
8 community-based services; and

9 WHEREAS, the Money Follows the Person in New Mexico Act  
10 allows the bias toward institutionalization to be removed by  
11 allowing medicaid funds used for an individual's long-term care  
12 services to follow the individual from a nursing facility or  
13 other institution into the individual's home and community; and

14 WHEREAS, the Money Follows the Person in New Mexico Act  
15 helps bring everyone, even those who in the past may have had  
16 no choice but to live in an institution, into the community  
17 where they can become full participants in the activities most  
18 people take for granted, such as when to get up, what to eat  
19 and when to sleep; and

20 WHEREAS, full and effective implementation of the Money  
21 Follows the Person in New Mexico Act requires identification of  
22 individuals who want community placement; adequate transition  
23 assistance, including the use of relocation specialists;  
24 accessible and affordable housing; and an expanded personal  
25 care work force along with strong consumer input into design,

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1 implementation and program evaluation; and

2 WHEREAS, the Money Follows the Person in New Mexico Act  
3 was to become effective July 2011 and has not yet been  
4 implemented by the human services department; and

5 WHEREAS, five hundred ninety-five thousand dollars  
6 (\$595,000) in federal grant funds pursuant to the federal  
7 Patient Protection and Affordable Care Act was awarded in  
8 February 2011 to fund the act in July 2011 and to continue from  
9 2012 to 2016, with twenty-three million seven hundred twenty-  
10 four thousand three hundred sixty dollars (\$23,724,360) in  
11 grant funds explicitly designated to be used to move  
12 individuals from nursing facilities to their homes and  
13 communities;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
15 STATE OF NEW MEXICO that the human services department be  
16 requested to fully implement the Money Follows the Person in  
17 New Mexico Act; and

18 BE IT FURTHER RESOLVED that the human services department  
19 be requested to use federal funds to open new vacancies for  
20 individuals awaiting allocation on the long waiting lists for  
21 home- and community-based waivers; and

22 BE IT FURTHER RESOLVED that the human services department  
23 be requested to identify individuals who are currently in  
24 nursing facilities and who want to return to their homes in the  
25 community; and

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1 BE IT FURTHER RESOLVED that the human services department  
2 be requested to use available funds to provide placement and  
3 transition assistance through relocation specialists, to  
4 identify accessible and affordable housing in the community, to  
5 expand the personal care work force and to allow strong  
6 consumer input into the design, implementation and evaluation  
7 of its implementation of the Money Follows the Person in New  
8 Mexico Act; and

9 BE IT FURTHER RESOLVED that copies of this memorial be  
10 transmitted to the governor and the secretary of human  
11 services.