

1 SENATE JOINT MEMORIAL

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

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8 FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

9
10 A JOINT MEMORIAL

11 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO ESTABLISH A
12 MEDICAID DISABILITY SERVICES OVERSIGHT COUNCIL.

13
14 WHEREAS, the state's medicaid program provides a great
15 number of the services on which New Mexicans living with
16 disabilities depend; and

17 WHEREAS, the human services department and the department
18 of health channel state and federal funding to offer medicaid
19 services to persons living with disabilities; and

20 WHEREAS, among the medicaid programs that serve
21 individuals with disabilities are the developmental
22 disabilities waiver; the coordinated long-term services, or
23 "CoLTS", waiver; the medically fragile waiver; the working
24 disabled medicaid program; and the personal care option offered
25 through the salud! program; and

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1 WHEREAS, medicaid disability services for individuals
2 currently enrolled in the CoLTS, personal care option and
3 salud! medicaid programs will be integrated with the January 1,
4 2014 implementation of the centennial care waiver program; and

5 WHEREAS, the developmental disabilities waiver program has
6 seen major changes with the implementation of a new federal
7 home- and community-based waiver, with changes having a
8 sometimes devastating effect upon the lives of waiver
9 participants; and

10 WHEREAS, individuals living with disabilities are New
11 Mexicans living in some of the most vulnerable circumstances,
12 yet have the least say in how decisions that affect them are
13 made as state agencies do not engage in meaningful consultation
14 with disabled individuals and their representatives; and

15 WHEREAS, medicaid services are usually provided in a
16 climate that lacks transparency, depriving disabled New
17 Mexicans and their families of accurate information about the
18 medicaid services upon which they depend; and

19 WHEREAS, the employment, education and recreation programs
20 that state medicaid disability services provide are inadequate
21 to the tasks of fostering independence and meaningful life
22 stewardship opportunities for disabled participants; and

23 WHEREAS, when the rights of individuals with disabilities
24 are respected, when they have the information they need about
25 medicaid services and when they have a voice in how decisions

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1 are made regarding medicaid services, they are better able to
2 participate independently in and fully contribute to the
3 community;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the New Mexico legislative council be
6 requested to create a permanent, eleven-member medicaid
7 disability services oversight council, made up of legislators
8 and non-legislators, to provide oversight of the medicaid
9 services provided for persons living with disabilities; and

10 BE IT FURTHER RESOLVED that the New Mexico legislative
11 council appoint members to the medicaid disability services
12 oversight council as follows:

13 A. two senators, including one senator from each
14 major political party;

15 B. two members of the house of representatives,
16 including one representative from each major political party;

17 C. two individuals living with disabilities;

18 D. one disabled individual's personal
19 representative;

20 E. one individual who serves as a community
21 advocate for individuals living with disabilities;

22 F. one individual with expertise and experience in
23 disability issues, disabilities law or disability policy or
24 finance;

25 G. one representative from the medical assistance

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1 division of the human services department; and

2 H. one representative from the developmental
3 disabilities supports division of the department of health; and

4 BE IT FURTHER RESOLVED that the medicaid disability
5 services oversight council be charged with study and oversight
6 of medicaid programming and finance matters relating to
7 medicaid disability services offered through the human services
8 department and the department of health; and

9 BE IT FURTHER RESOLVED that the medicaid disability
10 services oversight council be charged with receiving reporting
11 from state agencies that serve disabled medicaid recipients;
12 and

13 BE IT FURTHER RESOLVED that the New Mexico legislative
14 council require the medicaid disability services oversight
15 council to make an annual report of its findings and
16 recommendations and recommend any necessary legislation to the
17 legislative health and human services committee or the
18 disabilities concerns subcommittee of the legislative health
19 and human services committee and to the legislative finance
20 committee; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the president pro tempore of the senate and the
23 speaker of the house of representatives.