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SENATE MEMORIAL 15

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Linda M Lopez

A MEMORIAL

**REQUESTING A TASK FORCE BE FORMED TO IDENTIFY THE UNFUNDED
MANDATES IMPOSED ON THE DEVELOPMENTAL DELAY AND DISABILITY
SERVICE SYSTEMS.**

**WHEREAS, the department of health administers a variety
of services and supports for children with developmental
delays and children and adults with developmental
disabilities; and**

**WHEREAS, developmental delay and disability services and
supports are provided to eligible individuals through
contracts and provider agreements managed by the developmental
disabilities supports division of the department of health or
the medical assistance division of the human services
department; and**

WHEREAS, developmental delay and disability services are

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1 funded through a variety of state and federal sources such as
2 state general funds and medicaid programs, including early
3 periodic screening diagnosis and treatment, home and
4 community-based waiver and intermediate care facilities for
5 the mentally retarded; and

6 WHEREAS, the developmental delay and disability service
7 systems have become more complex through the years due to
8 increased expectations and demands and threatened or actual
9 litigation such as the *Jackson* lawsuit; and

10 WHEREAS, the volume of state-mandated policies,
11 procedures and regulations have increased dramatically,
12 resulting in unfunded mandates and an overburdened service
13 system; and

14 WHEREAS, the uncompensated costs associated with
15 compliance of unfunded mandates have negatively affected the
16 financial viability of the community-based provider system and
17 have led to decreases in direct care supports and services to
18 children and adults; and

19 WHEREAS, due to inadequate reimbursement and the need to
20 comply with numerous unfunded mandates, some providers have
21 been forced to reduce or eliminate benefits to employees,
22 leading dedicated and well-trained staff to leave and seek
23 other employment;

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
25 OF NEW MEXICO that a task force be formed by the department of

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1 health to identify the unfunded mandates imposed on the
2 developmental delay and disability service systems and that
3 solutions be found to eliminate the unfunded mandates to
4 ensure the financial viability of the community-based service
5 system so that quality services and supports can be reasonably
6 maintained; and

7 BE IT FURTHER RESOLVED that the task force include
8 representation from the developmental disabilities supports
9 division of the department of health, the division of health
10 improvement of the department of health, the medical
11 assistance division of the human services department and the
12 association of developmental disabilities community providers;
13 and

14 BE IT FURTHER RESOLVED that the department of health
15 report its findings and recommendations to the legislative
16 health and human services committee and the legislative
17 finance committee no later than October 1, 2007; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the secretary of health, the secretary of human
20 services and the association of developmental disabilities
21 community providers.