

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 25

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Elizabeth "Liz" Stefanics

A MEMORIAL

REQUESTING THE UNIVERSITY OF NEW MEXICO CENTER FOR DEVELOPMENT AND DISABILITY TO CONVENE A TASK FORCE TO STUDY THE NECESSITY OF NEEDED AMENDMENTS TO THE MEDICALLY FRAGILE WAIVER PROGRAM TO MEET THE NEEDS OF MEDICALLY FRAGILE INDIVIDUALS IN NEW MEXICO.

WHEREAS, the medically fragile waiver program is a home- and community-based medicaid waiver program authorized under Section 1915(C) of the federal Social Security Act; and

WHEREAS, the center for development and disability is the university of New Mexico center for excellence in developmental disabilities education, research and service; and

WHEREAS, the center is authorized by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 to increase the capacity of states and communities to respond to the needs of individuals with developmental

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 disabilities and their families; and

2 WHEREAS, individuals receiving services under the
3 medically fragile waiver program have a medically fragile
4 condition, which is defined as a chronic physical condition
5 that results in a prolonged dependence on medical care for
6 which daily skilled nursing intervention is medically
7 necessary; and

8 WHEREAS, the university of New Mexico center for
9 development and disability administers the medically fragile
10 case management program, which provides case management and
11 care coordination services to individuals who have been
12 diagnosed with a medically fragile condition before reaching
13 the age of twenty-two, and who have a developmental disability
14 or who are at risk for developmental delay, and their families
15 throughout the state; and

16 WHEREAS, the medically fragile case management program
17 uses a family-centered approach to care and creates
18 collaborative partnerships to act as advocates and resource
19 persons to support families in their decision to care for a
20 child who is medically fragile at home; and

21 WHEREAS, medicaid reimbursement rates for the medically
22 fragile waiver program were last increased in 2006; and

23 WHEREAS, the medically fragile family advisory board is an
24 advocacy group of parents with a child who is, or was,
25 medically fragile; and

.211878.1

underscoring material = new
~~[bracketed material] = delete~~

1 WHEREAS, the medically fragile family advisory board has
2 consistently expressed the need for amendments to renewals of
3 the medically fragile waiver program and has noted that the
4 difficulty in providing appropriate services is at a crisis
5 level; and

6 WHEREAS, studies in other states have shown that case
7 management and care coordination programs for medically fragile
8 individuals result in significant cost savings when compared to
9 care provided in institutional settings; and

10 WHEREAS, if the medically fragile case management program
11 were to be discontinued, the inability to manage care in the
12 home would result in institutionalization in acute hospital
13 settings for many clients; and

14 WHEREAS, many individuals on the medically fragile waiver
15 require environmental modifications in their homes; and

16 WHEREAS, services that are provided by registered nurses
17 and case managers are affected by the numbers of respite hours
18 available to clients; and

19 WHEREAS, many medically fragile waiver program clients may
20 benefit from alternative therapies, including massage therapy
21 and acupuncture, and these therapies are not included on the
22 menu of benefits; and

23 WHEREAS, in recent years, more medically fragile waiver
24 program clients are living into adulthood, yet how to meet the
25 needs of these clients into the future has not been adequately

.211878.1

underscoring material = new
[bracketed material] = delete

1 addressed;

2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
3 OF NEW MEXICO that the university of New Mexico center for
4 development and disability be requested to convene a task force
5 to study the necessity of amendments to the medically fragile
6 waiver program to meet the needs of medically fragile
7 individuals in New Mexico; and

8 BE IT FURTHER RESOLVED that the requested study provide:

9 A. a cost-effectiveness analysis that provides
10 quantitative data on the cost savings generated by the program
11 as compared to care that would be provided in institutional
12 settings if the program were to be discontinued;

13 B. an analysis of the problems or issues faced by
14 the program's nurse case managers, the range of activities they
15 undertake to resolve those problems or issues and the time
16 spent by nurse case managers providing those services to
17 establish the role and value of care coordination;

18 C. an assessment of potential benefits of making
19 environmental modifications to the homes of medically fragile
20 individuals and recommendations regarding how such
21 modifications could be included in the medically fragile waiver
22 program;

23 D. an assessment of the barriers to increasing
24 respite hours available to families of medically fragile
25 clients and recommendations for how to address those barriers

.211878.1

underscored material = new
~~[bracketed material] = delete~~

1 to provide additional respite hours to support medically
2 fragile individuals;

3 E. an assessment of current research on the
4 efficacy of alternative therapies and recommendations for ways
5 to make alternative therapies available if they are found to be
6 of value; and

7 F. an assessment of how the needs of clients who
8 are over the age of twenty-one could be addressed; and

9 BE IT FURTHER RESOLVED that the center for development and
10 disability at the university of New Mexico be requested to
11 include participants from the human services department, the
12 department of health, the college of nursing at the university
13 of New Mexico, the center for life at the university of New
14 Mexico, disability rights New Mexico and centennial care
15 managed care organizations; and

16 BE IT FURTHER RESOLVED that the task force be requested to
17 include participation from parents and other family members of
18 medically fragile clients, self-advocates and other appropriate
19 advocacy entities; and

20 BE IT FURTHER RESOLVED that the findings and
21 recommendations of the study be presented to the legislative
22 health and human services committee by December 1, 2019; and

23 BE IT FURTHER RESOLVED that copies of this memorial be
24 transmitted to the executive director of the university of New
25 Mexico center for development and disability, the secretary of

.211878.1

underscored material = new
~~[bracketed material] = delete~~

1 human services, the secretary of health, the director of the
2 medically fragile case management program, the chair of the
3 medically fragile family advisory board, the director of the
4 center for life, centennial care managed care organizations and
5 the director of disability rights New Mexico.

6 - 6 -

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25