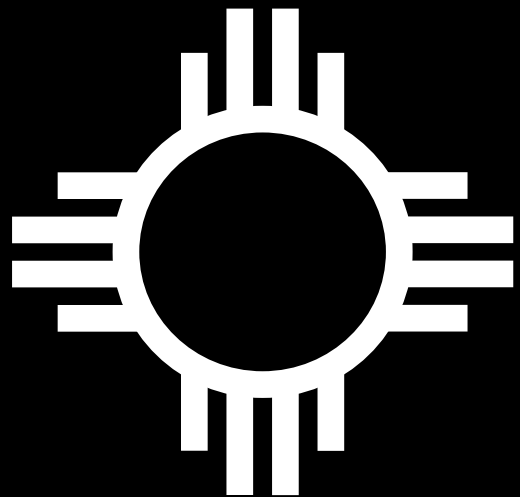


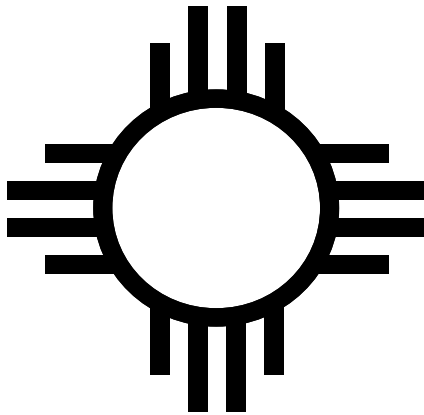
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Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. “No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register.” Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

No Repeals, Amendments, or New Rules were filed in this issue of the New Mexico Register.

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Notices of Rulemaking and Proposed Rules

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing to amend a rule that is part of the New Mexico Administrative Code (NMAC): 8.314.5 *Developmental Disabilities Home and Community-Based Services Waiver* (DDW). The register for the proposed amendments to this rule will be available November 13, 2014 on the HSD website at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have Internet access, a copy of the proposed rule may be requested by contacting MAD at (505) 827-7743.

Specifically:

1) Section 8.314.5.10 C.

HSD is proposing to add new language to this Section in order to delete repetitive and lengthy standard language throughout the rule and replace it with one sentence in corresponding Sections and Subsections of the rule.
Example –
8.314.5.10 C MAD through its designee, DDS, follows a subcontractor model for certain DDW services. A provider agency, following the DDS model, must ensure the subcontractors or employees meet all required qualifications. A provider agency must provide oversight of subcontractors and employees to ensure subcontractors or employees meet all required MAD and DDS qualifications. *There must be oversight of subcontractors and employees by the provider agency to ensure the services are delivered in accordance with all requirements set forth by DDS DDW service definition, all requirements outlined in the DDW services standards, applicable NMAC rules, MAD supplement, and as applicable, his or her New Mexico licensing board's scope of practice and licensure.*
Pursuant to federal regulations, an agency may not employ or subcontract with the spouse of an eligible recipient or the parent of an eligible recipient under 18 years of age receiving MAD services to provide direct care services for the eligible recipient.

Case management providers, *their case managers, whether subcontractors or employees must comply with Section 10 of this rule.*

Impact: *HSD does not anticipate a service or financial impact to eligible recipients and their healthcare providers based on the amendments to the DDW rule.*

2) 8.314.5.12 K.(5) Column 3

HSD is proposing to delete Section 13 Subsection K's third column from the table, *Development Disabilities Waiver Groups A through G*. HSD is proposing to no longer use the *SIS sum ABE National Percentile* as part of the DDW Standard Decision Rules. DOH does not rely on the *SIS sum ABE National Percentile* as part of the Standard Decision Rules therefore HSD would remove this language from the rule.

Impact: *HSD does not anticipate a service or financial impact to eligible recipients and their healthcare providers based on the amendment to the DDW rule.*

3) Section 8.314.5.20 Continuation of Benefits Pursuant to Timely Appeal

HSD revised 8.352.2 NMAC *Claimant Hearing* rule earlier this year. In this, the timeframe to request a continuation of existing benefits was set at 10 calendar days. HSD is proposing to align this rule to 8.352.2 NMAC for consistency.

Impact: *HSD does not anticipate a service or financial impact to impact to eligible recipients and their healthcare providers based on the amendments to the DDW rule.*

4) Overall, HSD is taking this opportunity to standardize language throughout the rule, such as replacing 'individual' or 'participant' with eligible recipient. These changes do not alter the manner or intent of the current application of the rule for providers and eligible recipients.

Impact: *HSD does not anticipate a service or financial impact to eligible recipients and their healthcare providers based on the amendments to the DDW rule.*

A public hearing to receive testimony on this proposed rule will be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road Santa Fe on December 29, 2014 at 10 a.m. Mountain Standard Time (MST).

Interested parties may submit written comments directly to: Sidonie Squier, Secretary, Human Services Department,

P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 827-7743. Electronic comments may be submitted to Cecelia.Salazar@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than December 29, 2014, 5:00 p.m. MST.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD toll free at 1-888-997-2583 and ask for extension 7-7743. In Santa Fe call 827-7743. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

End of Notices and Proposed Rules Section

Submittal Deadlines and Publication Dates 2014

Volume XXV	Submittal Deadline	Publication Date
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

New Mexico Register Submittal Deadlines and Publication Dates Volume XXVI, Issues 1-24 2015

Volume XXVI	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 30
Issue Number 3	February 2	February 13
Issue Number 4	February 16	February 27
Issue Number 5	March 2	March 16
Issue Number 6	March 17	March 31
Issue Number 7	April 1	April 16
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