ACQ Committee Meeting Summary Notes
February 20, 2024
9:00 AM to 1:00 PM

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33 Participants

ACQ Executive Committee Attendees: Scott Doan, *Deputy Director, Developmental Disabilities Supports Division (DDSD) Absent for Family Matter,* Siri Guru Nam Khalsa, Co-Chair, ACQ Executive Committee, *Advocate and Nurse Educator,* Tracy Perry, *Co-Chair, ACQ Executive Committee and CEO, Direct Therapy Services,* Lisa Blue, *Special Education Consultant,* Daniel Ekman, *Advocate, Developmental Disabilities Council, Program Manager, Center for Self Advocacy,* Kelley Harvey, *ACQ Administrator*

Agenda/Discussion

1. Welcome and announcements: Siri Guru Nam Khalsa, ACQ Co-Chair
2. Public Comment: Daniel Ekman, ACQ Executive Committee Member
3. Review and request approval for minutes from December 12, 2024 ACQ Meeting and January 9, 2025 Listening Session: Siri Guru Nam Khalsa, ACQ Co-Chair
4. DDSD Director's Report: Jennifer Rodriguez, Director, DDSD
5. ACQ Membership Renewal and Openings: Scott Doan, *Deputy Director*
6. Proposal: 2025 ACQ Meeting Sessions, 9AM to 1PM
7. Discussion on ACQ sub-committees: Tracy Perry, ACQ Co-Chair
8. Standing Committee Updates: Tracy Perry, ACQ Co-Chair
9. Public Comment: Lisa Blue, ACQ Executive Committee Member
10. Closing: Tracy Perry, ACQ Co-Chair

Meeting Notes

1. **Welcome and announcements: Siri Guru Nam Khalsa, ACQ Co-Chair**
    a. Special note: Technical difficulty occurred with meeting recording at the incorrect time. This was resolved at 9:06AM.

2. **Public Comment: Daniel Ekman, ACQ Executive Committee Member**
    a. Comment/Question 1: My comment is more of a question, but I hope this is an okay place to express it. I have heard that folks in the DD waiver system are entitled to two dental cleanings a year and that they're not able to get them because of a problem apparently with DentaQuest. So I'm asking if others are familiar with this. I'm asking if others have seen this more broadly and if this could be fixed.
        i. Scott Doan noted that he would write this down and provide a follow-up.
    b. Comment 2: It is really effective for people with autism in particular in decreasing problem behavior and increasing skill acquisition. As an Applied Behavior Analysis provider at my agency, we serve people across the lifespan. We have

been working with a couple of clients that receive services from the DD waiver and we've had some trouble integrating with the IDT team. I would like to ask that if DDSD develops and implements training for DDW providers about ABA for adult clients, autism, how to integrate it, perhaps create more of a blueprint for the way to integrate those together so that we can have that from the beginning and work closely together, especially with the BSC so that we can have the best outcomes for that individual.

c. Comment #3: Pending bills and Legislative Session –
    i. There are several bills about licensure compacts for things like speech-language pathologist and social workers. Some of those licensed professionals work on the various waiver programs served in the state of New Mexico and there's information suggesting it would be easier to be licensed for different types of positions, which could potentially make it easier to have access to these types of services or broaden the provider network.
    ii. House Bill 42 is about Medicaid Waiver Reimbursement Rate increases. There is talk about potential rate increases. However, it lacks clarity if it helps the 1115 Demonstration Waiver or if it's for the 1915C, the Developmental Disability Waiver that may be self-directed waiver
    iii. House Bill 357 is about gross receipts tax, and this is specific to Mi Via. Participants who receive services on Mi Via, if they're using an agency, have to pay gross receipts tax out of their individual budgetary allotment. This bill would remove the payment of gross receipts tax out of someone's individual budgetary allotment.
    iv. The last to discuss is the budget presentation from the Health Care Authority. Secretary Armijo and the Legislative Finance Committee presented the budget for the Health Care Authority. It was noted by Secretary Armijo that during this presentation to change the allocation process to the full waiver so the traditional developmental disability waiver and the Mi Via self-directed waiver to more than once a year. Currently, pending funding from the legislature to sign off by the governor may only happen once a year, but there is the option of making that request move forward to more than once a year. This would keep the wait list down.
    v. There was also another discussion about the request for funding for the Income Support Division. The Legislative Finance Committee and their request had a different opinion about funding the Income Support Division than the Health Care Authority, who requested funds to keep staffing levels and to encourage staffing levels for the Income Support Division due to it being a public benefit in processing applications, including the Medicaid applications. The Legislative Finance Committee budget recommendation requested funding that is not enough, which could impact the number of employees at the Income Support Division, including the customer support line. For example, if someone has questions about paperwork or Conduit, the wait time on the phone may

increase even more because it's currently already a long wait.

d. Comment #4: Awareness on Anti-Bullying Prevention was passed in New Mexico in 2020 to help make schools safe for students. Bullying still occurs and please share this information if you see or hear of bullying
e. Comment #5: In reference to Comment #2, this has been an ongoing issue. I have heard from Association of Behavior Analysts and different ABQ providers that were challenged by this to serve DD Waiver adults because the team didn't understand what they were doing and the supported living agency was blocking technicians from coming into the house. It was suggested years ago for DDSD to provide training about ABA and how to integrate it.

3. Review and request approval for minutes from December 12, 2024 ACQ Meeting and January 9, 2025 Listening Session: Siri Guru Nam Khalsa, ACQ Co-Chair

a. Correction for minutes from December 12, 2024, ACQ Meeting: Secretary Groginsky name is spelled incorrectly
    i. Action item: The ACQ Administrator will correct this error
b. No corrections for minutes from January 9, 2025, Listening Session

4. Developmental Disability Supports Division (DDSD) Director's Report: Jennifer Rodriguez, Director, DDSD

a. Responding to new Federal Executive orders, particularly from HCA and DDSD, we are monitoring and will keep everyone informed if changes occur. The only current change was a temporary hold placed on technical assistance received from different national partners. However, waivers, waiver approvals, and waiver reviews have not been impacted.
b. Legislative updates, as of now on behalf of DDSD, were requested to analyze as a lead or co-lead agency on a total of 8 bills. Each bill involved reimbursement rates, personal care services, supported decision-making, increasing the minimum wage healthcare, electronic visit verification, gross receipt taxes in the Mi Via waiver, and direct care workforce reporting.
c. Update on reporting related to House Bill 395 which passed in 2023. It's related to providers reporting on their direct support professional workforce. DDSD does have an annual requirement to collect this data from the provider network to share this information with the Legislative Health and Human Services Committee each Fall. Currently, DDSD is gathering data from 2024, which is due back to DDSD in April 2025. This data will help analyze what the workforce looks like, ways to improve training and career paths, and ensure wages are not competing with each other in the State of New Mexico, to help improve the overall capacity and health of the direct care workforce.
d. DDSD completed the first waiver participant and family satisfaction survey. The survey was sent out to over 8,000 participants. The survey is to help ensure we are doing a better job of connecting with families and waiver recipients to learn new ideas for improvements at various levels. We received feedback and requests for more communication, increasing provider services in rural locations, less paperwork, comments about IDD systems, Medicaid third-party assessors, securing services (new or renewal), applying for Medicaid, and so much more.
    i. Question for Jennifer: What was the response rate?
        1. Answer: Approximately 555 out of the 8,000 surveys that were

completed through a QR code for surveyor ease.

ii. Question for Jennifer: What was the deadline for completing the survey?
    1. Answer: The deadline for completing the survey was January 31st, 2025.

iii. Question for Jennifer: Will this survey be an annual occurrence?
    1. Answer: Yes, we plan to conduct an annual survey.

e. Jen offered availability to anyone who may have questions or need a follow-up. She shared that on March 13th, 2025 from 2PM to 4PM, she has office hours if you may need to reach her. Nancy Roach is also a good contact to help schedule meetings.

f. Action item, Jen requested for the ACQ Administrator to share two documents with ACQ Distro: Medicaid Brochure and MAC_BAC Talking Points ACQ Meeting (Medicaid Advisory Committee (MAC) and Beneficiary Advisory Committee (BAC)

5. ACQ Membership Renewal and Openings: Scott Doan, *Deputy Director*

a. Voting occurred for Valerie Dewbre and Tracy Perry's ACQ Membership renewal.
    i. Outcome: unanimous approval with the quorum for Valerie Dewbre and Tracy Perry's ACQ Membership renewal
    ii. Action item: Scott Doan will notify the Governor's office and confirm the renewal so their term receives an extension.

b. Update on ACQ Membership, there are 3 available openings: 1 opening available as a self-advocate, 1 opening available as provider representation in direct service, and 1 opening as other organization
    i. 2 members resigned their membership for various reasons
    ii. 1 member changed their career role

c. Questions for Scott Doan:
    i. Who should we have any interested parties contact if they want to pursue some more information or perhaps apply for one of these open positions?
        1. Answer: Please email one of the ACQ Executive Committee Members to express your interest and at the next ACQ Meeting, we will bring this individual forward to share information about themselves' and ACQ Members can hold a voting quorum. After the unanimous approval, we will then send our recommendation to the Governor's office and they will complete the approval process and if approved, they will be appointed.
    ii. Could we get an updated list of the ACQ members and their terms?
        1. Answer: Yes, we can share this information with the ACQ Distro.
    iii. For the Mi Via Advisory Committee, the members who had resigned their position, we still need somebody from that committee, who can fill that position?
        1. Answer: I agree, we do need someone from that committee to provide an update, but the way that the membership is laid out, it doesn't specifically state there has to be a member from Mi Via.
        2. Additional follow-up provided by attendee Tim Gardner, who stated he participates in the MVAC meetings as a member and

offered to be a liaison to help share updates and communication between MVAC and ACQ.

6. **Proposal: 2025 ACQ Meeting Sessions, 9AM to 1PM**
    a. Dates for the calendar year 2025 requiring approval:
        i. April 10th, 2025
        ii. June 12th, 2025
        iii. August 14th, 2025
        iv. October 9th, 2025
        v. December 11th, 2025
    b. Approval received, no objections.
    c. Additional approval was passed on the ACQ Listening Sessions for the calendar year 2025. Those dates and times are the following:
        i. March 13th, 2025, 9AM to 10AM
        ii. May 8th, 2025, 9AM to 10AM
        iii. July 10th, 2025, 9AM to 10AM
        iv. September 11th, 2025, 9AM to 10AM
        v. November 13th, 2025, 9AM to 10AM
    d. Action item: ACQ Administration will work with the technical team to generate Zoom links and will send out invites to ACQ Distro.

7. **Discussion on ACQ sub-committees: Tracy Perry, ACQ Co-Chair**
    a. The Rate Study is currently in procurement and more information will come.
    b. Question: In the meantime, while it's in procurement, could we get a committee together?
        i. Answer: That is a great question. Generally, it is the State who picks individuals to sit on those committees and the request will be placed out by the State.

8. **Standing Committee Updates: Tracy Perry, ACQ Co-Chair**
    a. ACQ By Laws: Daniel Ekman
        i. Review of Bylaws:
            1. Thank you to everyone who helped work on these. We had active volunteers help with this. We have completed the review of the bylaws and we have collected the changes members would like to make. We will send the bylaws for everyone to review for discussion and editing. After completing this second round of review and editing, we will vote on the bylaws of what to keep or discard, including other changes and updates as necessary.
    b. Interagency Coordinating Council (ICC): April Spaulding
        i. Rates and Rescinding Rates: ICC has been focused on discussions on this topic, including the rescinding of those rates from August 2024 and the impacts it had on providers in the field.
        ii. Legislative updates: ICC has been focused on efforts regarding funding and House Bill 71. House Bill 71 has been a hot topic for those impacted

or involved in the ECECD, which is the cap on the Early Childhood Trust fund. This bill will allow ECECD to extend the cap from 250 million to 500 million, which would allow them to fulfill the budgetary needs of the department.

iii. Higher education pathways: ICC has been having discussions on this topic, particularly for developmental specialists, who don't have a higher education degree path for those roles. The requirements for these roles are to learn in the field and expect the employer to train is very similar to an educational institution. The goal is to work with higher education to get a pathway towards a degree to help with professional development and to help fit the growing demand in continuing to provide referral services, as we recently saw a 22% increase in referrals this year versus last year.

iv. March 17th is Early Childhood Day at the Roundhouse. Please come out and join us.

v. Thank you to DDSD for coming out and presenting to ICC on the range of DD waiver funding sources and how we can better support families starting at a young age.

vi. Last update, the ICC will be meeting with the Individuals with Disabilities Education Act (IDEA) and we hope to restart this joint meeting and keep it going.

c. Mi Via Advisory Committee, Tim Gardiner

i. MVAC meets in the afternoons on a quarterly basis to discuss issues pertinent to those involved in Mi Via. Currently, MVAC is taking more members.

ii. At the last meeting, the conversations settled around the incoming presidential administration and potential impacts on support to the program.

iii. Other discussions were about the traditional duty waiver individual service plan and that it is set up differently from Mi Via. The discussion was about having a one-person centered plan for all waivers, DD waiver, medically fragile waiver, Mi Via waiver, and supports waiver

1. Additional comments were made from other attendees about this: The Policy and Quality Subcommittee, we have not heard of any final determinations on what the individual service plan will be serving. There was feedback that it would not serve Mi Via very well, while other parts could.
2. Another attendee added the following comments about this: I am part of the committee and we have been focusing on the ISP, which has historically been a DD waiver form. My question is if the intention is to make it more broad across all waivers, that it is communicated back to the committee because there will need to be alterations to it if it goes to move outside of the DD waiver. The committee has been straightforward on feedback based on the DD waiver feedback. It is a tall feat to form fit all waivers.

3. Action item: Tim will share with the ACQ Administrator the dates for the Zoom meetings to share with the ACQ Distro.

d. Medically Fragile Waiver Family Advisory Board (FAB): Ann Marie Parmenter
   i. The board continues to meet every month on the first Tuesday. Currently, we are attempting to facilitate family engagement via Zoom activities on the off months the board is not meeting. Our plan as the weather warms is to have more in-person events to support families for engagement activities.
   ii. Our last family engagement was via Zoom and we discussed guardianship from the family perspective of who has successfully completed the process of guardianship. We did record this to share with others. The next family Zoom is scheduled for Tuesday, April 1st at 5:30PM with plans for attendance of attorneys who specialize in guardianship and trusts.
   iii. Other areas of focus for the board is providing input on concerns related to the medically fragile waiver. Currently and related to the upcoming waiver renewal.
   iv. Questions for Ann Marie Parmenter:
      1. With the big move for supported decision making, are folks pursuing guardianship as a first choice or are they considering other options to guardianship as folks progress and get older?
         a. Answer: I cannot fully answer that, but the primary focus is guardianship and we encourage them to speak with attorneys and other families about what that should look like because every individual is different.

e. Mi Vía Vendor Stakeholders: Angelique Tafoya
   i. For this month, we had representation from HCA, Conduit, and the Focus Pilot. We are collaborating more efficiently with each other and they have committed to coming to our meetings. However, we have not had DDSD representation and requested for DDSD to attend.
   ii. We recently received a list from HCA of vendors for Mi Via and we will be working through this list to do outreach to these vendors.
   iii. Update for meeting minutes from 12/12/2025, “Pelco spinning” should be “Pelco spending”
      1. Action item: ACQ Administrator will make this edit
   iv. Related to the Pelco spending report, there is confusion about the name, but we are hoping to work with Conduit and the HCA to get our vendor remittance and check detailed reports electronically available to all vendors. Currently, those who use Focus are able to do this. However, there may be a tutorial training session needed because users were unaware they could do this in Focus and we are working with providers alongside with Conduit to see if users want it and how they can get access to it.
   v. We are still talking about the resolution of the GRT on the budget. This bill

will be heard on Monday, 2/21/2025 at the Legislation session.

vi. We are also looking at getting access as a vendor to our portion of the budget. There is still a disconnect on the SSP as it is related to vendors and what is accessible to us on a person's SSP. The issue that occurs is that we bill for services and do not find out that there are no units to bill off of until we get denials. Conduit and HCA are working on resolving this.

vii. At our last meeting, there were questions about billing rates and the increase of billing rates and whether or not budgets were going to be able to sustain those increases in billing rates. We have asked Elaine Hill to come to our meetings as it relates to rates that go through DDSD.

viii. Appendix K, related to hospitalization, we are wondering if a memo was sent out in November or October 2024. In our committee, we heard people are having difficulty billing for those hospitalizations, specifically under Mi Via, as it's related to an approval process and a justification process.

1. Comment from another attendee: With Mi Via and Appendix K, some things did end. For an in-home living support provider that comes into the hospital and performs in-home living support while the person is in the hospital, this is still allowed, but you must ask for an exception to bill and this is usually written as a letter. The caregiver or Mi Via consultant will describe what they are doing as specific tasks they are doing that hospital staff are not doing. The letter is submitted to DDSD with the specific dates of services for approval. If approved, it is submitted to the family who must provide it to the in-home living support provider who can bill.
2. Comment from Scott Doan: Yes, a memo was sent out October 1st, 2023, regarding the Appendix K to the waiver. However, payment is granted for up to 30 consecutive days. This process is not specifically written out.
    a. Action item for Scott: Will pull together guidelines or processes to share.
3. Question on this topic: Would someone through the medically fragile be able to benefit from this? Like a child who has been hospitalized and the parents cannot be there 24/7.
    a. Answer from Scott Doan: The memo was addressed to all four waivers. However, I need to do a follow-up with the clinical services bureau chief because the memo does not specifically say it's not available for Medical Fragile.
        i. Action item: Scott Doan will look into this further and later confirmed that the proposed Individual Service Plan (ISP) revisions are only for the DD Waiver ISP.
4. Comment on this topic: In relation to Mi Via, it could be a homemaker direct support or in-home living support. My agency

has received approval for both of those items.

5. Question on this topic: I have an individual who has severe seizures and is in and out of the hospital year round. There are staffing issues with the supported living agency and the individual's CCSI provider is the only person who is able and most familiar to be with him in the hospital. I wish that would be considered as an option or possibility for those with a CCSI provider.

f. ACQ Policy and Quality: Claudia Rice
   i. Note: Claudia Rice was unable to attend and Winton Wood provided updates on her behalf.
   ii. Update, the DD waiver Individual Service Plan (ISP) and its companion documents, along with the concerns related to this about a one-size-fits-all was shared. Most of the concerns were from providers that do use the individual service plan. The documents were finished up and shared with DDSD.
      1. Question from another attendee: the ISP document that was sent out, there were formatting issues and overriding on the typing that it was hard to read. Could that be corrected and resent?
         a. Answer: Yes, we can let the leads know.
      2. Comment from another attendee: There is also a draft ISP for a Medically Fragile waiver. I am not sure if there will be a child version and an adult version because that will be challenging in trying to get it to fit.
   iii. Our next meeting will be April 9th if anyone is interested.

g. Youth Supported Living Development Committee: Gay Finlayson
   i. Updates from the committee's last meeting of February 14th, 2025:
      1. Discussed Jenn Rodriguez's denial of proposal. Members thought it wasn't helpful as it didn't offer viable alternatives; said it didn't explain why it didn't meet the DDW criteria she referenced; but was simply a rejection. Members noted DDSD hadn't responded to Gay's reply.
      2. Members thought changing the proposal to designating an ICF/IDD as placement wasn't feasible.
      3. Members suggested that DDSD look at funding youth placement through state general funds.
      4. Members agreed that this was a much larger issue than the scope of the submitted proposal, figuring there were at least fifteen youths with IDD who are being denied an appropriate level of care because there is nothing available in New Mexico to meet their needs.
      5. The committee decided to ask DDSD to convene a work group of

relevant state agencies -HCA; DDSD; CYFD; PED; IHS and the Turquoise Care MCOs to develop and implement an in-state program that includes both placement and treatment. Tracy and Lisa from the ACQ executive committee will make that request as well as ask DDSD to look at using state general funds in this endeavor.

ii. Question from attendee: Do you have a brief history of what happened at the Bernalillo Academy? Do we know what the status was?
    1. Answer: It was shut down by the State for quality reasons that CYFD found that wouldn't allow it to continue the license. They were a Medicaid provider. After being shut down, the kids were left with nothing and are now reaching the age of supported living.
    2. Comment on this topic: We feel it is within DDSD's scope for these folks who have developmental disabilities.

iii. Question: Is there any possibility or potential in the billion dollar behavioral health trust fun to carve out some services for these kids?
    1. Answer: It is moving through the Legislature, but I am not certain what has been identified.
    2. Additional comment on this question: This has been needed for a while, an integration of developmental disability and behavioral health. The waiver requirements state part of the behaviors cannot be attributed to a mental illness and a huge number of these individuals have a DSM diagnosis.
    3. Additional comment on this question: There have been State agencies who have been involved with DDSD for children who are reaching the age of 18. They are on the waitlist for the program, but because they are close to the age of 18, they'll do single payer agreements and that is not feasible. This has been an issue and a service issue.

iv. Question: When was the denial letter sent?
    1. Answer: December 2025, but there is a request for an executive committee to look at this further. Also, there is the discrepancy in funding between general funds and waiver. For example, the State general funds residential services reimbursement is $3,060 a month per individual, which totals out annually to $36,000 to support one individual. On the DD waiver supported living, it's $463.59 a day, which equates to $157,000 annually.
        a. Action item: ACQ Administrator will add this to the next ACQ Executive Committee meeting

9. Public Comment: Lisa Blue, ACQ Executive Committee Member

a. Comment #1: We need to be concerned about the Federal Government's response and what they may or may not do to Medicaid funding. The president is asking Congress to reduce government costs. I was told by a member from

American Network of Community Options and Resources (ANCOR), they had received notice their Federal Medical Assistance Percentage (FMAP) has been reduced from 70% to 50%. You will hear people talk about FMAP, but that is what Medicaid reimburses the State for the money that we spend in services and programs that are eligible for the Medicaid match for 2025. The Federal Medicaid Assistance Percentage for New Mexicos is 71.68. That means for every dollar that the State pays in Medicaid services, the Feds give us 71.68 cents. I recommend sending a letter, email or a phone call to your congressional delegation office.

b. Comment #2: The president issued an executive order to Make America Healthy Again and particularly looked at autism as a threat to the American way of life and to our National Security. As someone in the autism community, we are super alarmed. And now, the Secretary of Human and Health Services has publicly announced vaccines are going to be reconsidered. I want to share that vaccines do not cause autism and we are going to continue to make our voices heard on that.
c. Comment #3: I have a fair level of anxiety about things as a mom and hearing from Jennifer Rodriguez that nothing has changed, then hearing from Gay about the Center for Development and Disabilities stance on autism and vaccines…for a young person who is entering this world of currently what it looks like and as a mom hearing this, I need reassurance and this is reassuring to hear from Gay. I hope others speak up about this.
d. Comment #4: Thank you for speaking up, it is difficult to speak up about the Politico climate. I have been in this field for several decades and worked at several places where I have seen RTCs closed down. I understand the fear.

10. Closing: Tracy Perry, ACQ Co-Chair

Zoom Meeting Location:
http://us06web.zoom.us/j/83000741961
Meeting ID: 830 0074 1961

Upcoming ACQ Meetings and Listening Sessions:

- ACQ Listening Session
  - March 13th, 2025, 9AM to 10AM
- ACQ Executive Committee Meeting
  - April 3rd, 2025, 2:30PM to 4PM
- ACQ Meeting
  - April 10th, 2025, 9AM to 1PM