



**State of New Mexico
Human Services Department**

Centennial Care 2.0 1115 Demonstration
Request to Waive Compliance

to

The Centers for Medicare & Medicaid Services (CMS)
U.S. Department of Health and Human Services

Dr. David R. Scrase, M.D., Cabinet Secretary
New Mexico Human Services Department

Nicole Comeaux J.D., M.P.H., Director
Medical Assistance Division

March 19, 2020

In response to the Declaration of a Public Health Emergency issued by the HHS Secretary, the New Mexico Human Services Department (HSD) seeks to amend specific requirements outlined in its approved 1115 Demonstration Waiver retroactive to January 27, 2020. The requirements are further identified below.

Request #1: Care Coordination - *Allow telephonic visits in lieu of face-to-face requirements*

New Mexico's Medicaid MCOs are required to continue all care coordination activities using telephonic visits or, if the capacity exists for the member and MCO, virtual visits. Care coordination activities that normally require a home visit with face-to-face member interaction include initial, annual and semi-annual Comprehensive Needs Assessments (CNAs); semi-annual and annual in-person touch points; transition of care three-day in-home assessments; and Nursing Facility Level of Care (NFLOC) determinations for Community Benefits.

HSD requests to waive the in-person, face-to-face requirements for all care coordination home visits for the duration of the public health emergency related to 2019 Novel Coronavirus Disease (COVID-19). HSD is requesting this waiver of face-to-face requirements for all home visits and requests to instead utilize telephonic visits in order to allow for compliance with the CDC recommendations for social distancing and efforts to reduce the risk and spread for COVID-19 exposure for members and care coordinators.

Request #2: Nursing Facility Level of Care (NFLOC) Redeterminations - *Allow suspension of NFLOC redeterminations under 1115 for NFOC for members whose recertifications are due*


HSD is requesting to suspend the Nursing Facility Level of Care (NFLOC) redeterminations for impacted members for the duration of the COVID-19 emergency. MCOs will be directed to continue to submit NFLOC determinations as they are able to be completed. MCOs will also continue their processes to ensure that prior authorizations for Personal Care Services (PCS), nursing facilities and other long-term services and supports are in place.

Request #3: *Waive State Public Notice Process.*

HSD is requesting to waive the state public notice process for Section 1115 waivers. HSD is discharging its basic duties for this 1115 demonstration waiver submission as required by 42 CFR 431.412. HSD has acted in good faith, and in a diligent, timely, and prudent manner in response to COVID-19, the circumstances of which, constitute an emergency that could not have been reasonably foreseen. HSD believes that any delay in approving this demonstration would undermine or compromise the purpose of the demonstration and be contrary to the interests of beneficiaries.

HSD is grateful for the opportunity to work with its federal partners to assure Medicaid enrollees receive the necessary care and access to services during this time of crisis. HSD thanks you in advance for your consideration of this waiver request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole Comeaux". The signature is fluid and cursive, with a large initial "N" and "C".

Nicole Comeaux, JD, MPH
Medicaid Director