

Mi Via Waiver Program

Service Descriptions and Provider Qualifications

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QUALIFICATIONS THAT APPLY TO ALL MI VIA INDIVIDUAL EMPLOYEES, INDEPENDENT PROVIDERS, PROVIDER AGENCIES, AND VENDORS

In order to be approved as an individual employee, an independent provider, including non-licensed homemaker/companion workers, a provider agency (excluding consultant providers which are covered in a different set of service standards) or a vendor, including those that provide professional services, each entity must meet the general and service specific qualifications found in the Mi Via regulations and submit an employee or vendor enrollment packet, specific to the provider or vendor type, for approval to the FMA.

In order to be an authorized provider for Mi Via and receive payment for delivered services, the provider must complete and sign an employee or vendor provider agreement and all required tax documents. The provider must have credentials verified by the participant/EOR and the FMA.

- I. General qualifications for individual employees, independent providers, including non-licensed homemaker/companion workers and provider agencies (excluding consultant providers) who are employed by a mi via participant to provide direct services:**
 - a. be at least 18 years of age;
 - b. be qualified to perform the service and demonstrate capacity to perform required tasks;
 - c. be able to communicate successfully with the participant;
 - d. pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
 - e. complete training on critical incident, abuse, neglect, and exploitation reporting;
 - f. complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; the participant is

also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the mi via participant's AAB; and

- g. meet any other service specific qualifications, as specified in these regulations;

II. General qualifications for vendors, including those providing professional services:

- a. be qualified to provide the service;
- b. possess a valid business license, if applicable;
- c. if a professional provider, be required to follow the applicable licensing regulations set forth by the profession; refer to the appropriate New Mexico board of licensure for information regarding applicable licenses;
- d. if a consultant provider, meet all of the qualifications set forth in 8.314.6.11 NMAC;
- e. if a currently approved waiver provider, be in good standing with the appropriate state agency; and
- f. meet any other service specific qualifications, as specified in the mi via regulations.

III. General qualifications for Legally Responsible Individuals (LRIs) who provide services:

- a. LRIs, e.g., the parent (biological, legal or adoptive) of a minor child (under age 18) or the guardian of a minor child, who must provide care to the child, or a spouse of a Mi Via participant, may be hired and paid for provision of waiver services (except consultant/support guide, assisted living, and customized community supports services) under extraordinary circumstances in order to assure the health and welfare of the participant, to avoid institutionalization and provided that the state is eligible to receive federal financial participation (FFP).

Extraordinary circumstances include the inability of the LRI to find other qualified, suitable caregivers when the LRI would otherwise be absent from the home and, thus, the caregiver must stay at home to ensure the participant's health and safety.

LRIs may not be paid for any services that they would ordinarily perform in the household for individuals of the same age who do not have a disability or chronic illness.

Hiring of LRIs must be approved in writing by ALTSD for CoLTS (c) and BI populations, or DOH for the AIDS, DD and MF populations.

- b. Services provided by LRIs must:
 - i. meet the definition of a service or support and be specified in the participant's approved SSP and AAB;
 - ii. be provided by a parent or spouse who meets the provider qualifications and training standards specified in the Mi Via regulations and these service descriptions and qualifications for that service; and
 - iii. be paid at a rate that does not exceed that which would otherwise be paid to a provider of a similar service and be approved by the TPA.

ASSISTED LIVING

- I. **Assisted living:** Assisted living is a residential service that includes personal care and supportive services. Coverage does not include 24 hour skilled care or supervision or the cost of room and board. Nursing and skilled therapy services are incidental, rather than integral, to the provision of assisted living services. Services (other than those included in the bundle of assisted living services) provided by third parties must be coordinated with the assisted living provider.

Participants who access this service cannot utilize Mi Via homemaker/direct support, environmental modifications, emergency response, customized community supports and customized in-home living supports services because they are provided by assisted living services.

- II. **Scope of assisted living services:** Assisted living will include, but is not limited to the following types of services:
 - a. Personal care;
 - b. Supportive services such as homemaker, chore, attendant services and meal preparation;
 - c. Companion services;
 - d. Medication oversight to the extent permitted under State law;
 - e. Twenty-four hour on-site response capability to meet scheduled or unpredictable participant needs to provide supervision, safety and security and
 - f. Social and recreational programming.

III. Assisted Living Qualifications - Provider Agency:

- a. Must be licensed as an adult residential care facility by NM DOH pursuant to 7.8.2 NMAC, and meet all the requirements and regulations set forth by NM DOH as an adult residential care facility pursuant to 7.8.2 NMAC et seq.

BEHAVIOR CONSULTATION

I. **Behavior Consultation:** Behavior support consultation services consists of functional support assessments, treatment plan development and training and support coordination for a participant related to behaviors that compromise a participant's quality of life. Services are provided in an integrated/natural setting or in a clinical setting.

II. Scope of services:

- a. Inform and guide the participant, family, employees and/or vendors toward understanding the contributing factors to the individual's behavior;
- b. Identify support strategies to enhance functional capacities, adding to the provider's competency to predict, prevent and respond to interfering behavior and potentially reducing interfering behaviors;
- c. Support effective implementation based on a functional assessment and subsequent service and support plans;
- d. Collaborate with medical and ancillary therapies to promote coherent psychotherapeutic medications; and
- e. Monitor and adapt support strategies based on the response of the participant and his/her family, employees and/or vendors.

III. Behavior Consultant Qualifications – Individual:

- a. Provide a tax identification number;
- b. Maintain a participant file within HIPAA guidelines to include:
 - i. Participant's service and support plan;
 - ii. Reports as requested in the service and support plan;
 - iii. Contact notes; and
 - iv. Training roster(s);
- c. have and maintain a current New Mexico license with the appropriate professional field licensing body; current licensure may be any of the following:
 - i. Medical Doctor (M.D.);
 - ii. Licensed Clinical Psychologist;

- iii. Licensed psychologist associate (masters or PhD level);
- iv. Licensed social worker (LISW or LMSW);
- v. Licensed professional clinical counselor (LPCC);
- vi. Licensed professional counselor (LPC);
- vii. Licensed psychiatric nurse (MSN/RNSC);
- viii. licensed marriage and family therapist (LMFT); or
- ix. licensed practicing art therapist (LPAT).

IV. Behavior Consultant Qualifications - Provider Agency:

- a. Provide a tax identification number;
- b. Current business license issued by state, county or city government, if required;
- c. Maintain a participant file within HIPAA guidelines to include:
 - i. Participant's service and support plan;
 - ii. Reports as requested in the service and support plan;
 - iii. Contact notes; and
 - iv. Training roster(s);
- d. Ensure therapists have and maintain a current New Mexico license with the appropriate professional field licensing body; current licensure may be any of the following:
 - i. Medical Doctor (M.D.);
 - ii. Licensed Clinical Psychologist;
 - iii. Licensed psychologist associate (masters or PhD level);
 - iv. Licensed social worker (LISW or LMSW);
 - v. Licensed professional clinical counselor (LPCC);
 - vi. Licensed professional counselor (LPC);
 - vii. Licensed psychiatric nurse (MSN/RNSC);
 - viii. licensed marriage and family therapist (LMFT); or
 - ix. licensed practicing art therapist (LPAT).

COMMUNITY DIRECT SUPPORT

- I. **Community Direct Support services:** Community direct support services deliver supports that assist the participant to identify, develop, nurture and maintain community connections. Community direct support also assists the participant to maintain community connections and access social, educational, recreational and leisure activities in the community. Community direct support services promote the development of valued social relationships and builds connections within local communities.

The community direct support provider may be a skilled independent contractor or a hired employee depending on the level of support needed by the participant to access the community. This service does not duplicate personal plan facilitation services or waiver case management as it is a care service only provided outside the participant's residence.

- II. **Scope of Community Direct Support services:** Community direct supports services will include, but is not limited to the following:
 - a. Instruct and model social behavior necessary to interact with community members or in groups;
 - b. Promote the development of social relationships and build connections within local communities;
 - c. Provide assistance with ancillary tasks related to community membership;
 - d. Provide attendant care;
 - e. Assist the participant to schedule, organize and meet expectations related to chosen community activities;
 - f. Support the participant in having frequent opportunities to expand meaningful roles in the community to increase and enhance natural supports, networks, friendships and build a sense of belonging and
 - g. Assist in the development of skills and behaviors that strengthen an individual's connection with his or her community. The individual will be supported to create such connections individually, not as a part of a group of people with disabilities.
 - h. The skills to assist someone in a community setting may be different than those for assisting a person at home. The provider will:

- i. demonstrate knowledge of the local community and resources within that community that are identified by the participant on the SSP; and
- ii. be aware of the participant's barriers to communicating and maintaining health and safety while in the community setting.

III. Community Direct Support Qualifications - Individual Provider:

- a. Be at least 18 years of age;
- b. Be qualified to perform the service and demonstrate capacity to perform required tasks;
- c. Be able to communicate successfully with the participant;
- d. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- e. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- f. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- g. Meet any other service qualifications, as specified in the Mi Via regulations; and

IV. Community Direct Support Qualifications - Provider Agency:

- a. Possess a current business license, if applicable;
- b. Meet financial solvency;
- c. Adhere to training requirements;
- d. Maintain individual records for each participant within HIPAA compliance;
- e. Develop and adhere to a records management policy;
- f. Develop and adhere to quality assurance rules and requirements; and
- g. Ensure all assigned staff meet the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Be qualified to perform the service and demonstrate capacity to perform required tasks;

- iii. Be able to communicate successfully with the participant;
- iv. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- v. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- vi. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB;
- vii. Meet any other service qualifications, as specified in the Mi Via regulations.

CUSTOMIZED COMMUNITY SUPPORTS

- I. **Customized Community Supports services:** Customized community support services are designed to offer the Mi Via participant flexible supports. Customized community supports can include participation in congregate community day programs and centers that offer functional meaningful activities that assist with acquisition, retention, or improvement in self-help, socialization and adaptive skills. Customized community supports may include adult day habilitation, adult day health and other day support models. Customized community supports are provided in community day program facilities and centers and can take place in non-institutional and non-residential settings.

These services are provided at least four or more hours per day one or more days per week as specified in the participant's SSP. Customized community supports cannot duplicate waiver case management, community direct support services, employment support services or any other waiver service.

- II. **Scope of Services:** Customized community supports services will include, but is not limited to the following:
 - a. Provide supports in congregate and community day programs that assist with the acquisition, retention or improvement in self-help, socialization and adaptive skills;
 - b. Adult day health services;
 - c. Adult day habilitation services; and
 - d. Other day support model services.

III. **Customized Community Supports Qualifications - Provider Agency:**

- a. Possess a current business license, if applicable;
- b. Meet financial solvency;
- c. Adhere to training requirements;
- d. Maintain individual records for each participant within HIPAA compliance;
- e. Develop and adhere to a records management policy;
- f. Develop and adhere to quality assurance rules and requirements;
- g. Adult day health provider agencies must be licensed by NM DOH as an adult day care facility pursuant to 7.13.2 NMAC.

- h. Ensure all assigned staff meet the following qualifications:
- i. Be at least 18 years of age;
 - ii. Have at least one year of experience working with people with disabilities;
 - iii. Be qualified to perform the service and demonstrate capacity to perform required tasks;
 - iv. Be able to communicate successfully with the participant;
 - v. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
 - vi. Complete training on critical incident, abuse, neglect, and exploitation reporting;
 - vii. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB;
 - viii. Meet any other service qualifications, as specified in the Mi Via regulations.

CUSTOMIZED IN-HOME LIVING SUPPORTS

- I. **Customized In-Home Living Supports:** Customized In-home Living Supports are individually designed services and/or supports that are related to the participant's qualifying condition or disability which enables him/her to live his/her apartment or house or family home that is owned or leased, in the community of his/her choice, for the purpose of preventing institutionalization. These services and/or supports are provided in the participant's home and are individually designed to instruct or enhance home living skills as well as address health and safety.

In-home Living Supports will be indicated in the participant's SSP and will be based on assessed needs. This service is provided on a regular basis (at least 4 or more hours per day one or more days per week or as specified in the service plan). The numbers of hours of support are based on the needs of participant(s) and may be up to 24 hours per day. Customized In-home Living providers must assure 24 hour response capability to address scheduled or unpredictable needs for health, safety or security concerns.

Participants receiving Customized In-Home Living Supports may not use Homemaker/Direct Support, Home Health Aide or Respite Services because they are already provided via Customized In-Home Living Supports. This service does not duplicate any other waiver service. Specifically, this does not duplicate Customized Community Supports since Customized Community Supports is provided in a different setting (non-institutional and non-residential settings.) More than one (1) participant may reside in the home or apartment.

- II. **Scope of Service:** Services and/or supports provided under Customized In-Home Living supports include but not limited to:
- a. Assist/instruct the participant with activities of daily living including grooming, bathing, dressing oral care, eating transferring, mobility, and toileting;
 - b. Assist the participant with the acquisition, restoration, and/or retention of independent living skills such as shopping, banking, money management, health care and medication management;
 - c. Assist/instruct the participant in the performance of general household tasks including housekeeping and meal preparation;
 - d. Provide assistance in the acquisition or maintenance of social interaction skills, community involvement and transportation.

III. Customized In-Home Living Supports Qualifications - Individual Provider:

- a. Be at least 18 years of age;
- b. Have at least one year of experience working with people with disabilities;
- c. Be qualified to perform the service and demonstrate capacity to perform required tasks;
- d. Be able to communicate successfully with the participant;
- e. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- f. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- g. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- h. Meet any other service qualifications, as specified in the Mi Via regulations; and

IV. Customized In-Home Living Supports Qualifications - Provider Agency:

Customized In-Home Living Supports may be provided by a state approved Medicaid provider. A Customized Living Provider Agency must meet requirements including:

- a. Possess a current business license, if applicable;
- b. Meet financial solvency;
- c. Adhere to training requirements;
- d. Maintain individual records for each participant within HIPAA compliance;
- e. Develop and adhere to a records management policy;
- f. Develop and adhere to quality assurance rules and requirements; and
- g. Ensure all assigned staff meet the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Have at least one year of experience working with people with disabilities;

- iii. Be qualified to perform the service and demonstrate capacity to perform required tasks;
- iv. Be able to communicate successfully with the participant;
- v. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- vi. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- vii. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- viii. Meet any other service qualifications, as specified in the Mi Via regulations.

EMERGENCY RESPONSE NETWORK

- I. **Emergency response:** This service provides an electronic device that enables a participant to secure help in an emergency at home and thereby avoids institutionalization. The participant may also wear a portable “help” button to allow for mobility. The system is connected to the participant’s phone and programmed to signal a response center when a “help” button is activated. The response center is staffed by trained professionals.

- II. **Scope of services:**
 - a. Testing and maintaining equipment;
 - b. Training participants, caregivers and first responders on the use of the equipment;
 - c. Twenty-four (24) hour monitoring for alarms;
 - d. Checking systems monthly or more frequently if warranted (e.g. electrical outages, severe weather); and
 - e. Reporting participant’s condition that may affect service delivery;
 - f. Initial set-up and installation of Emergency Response Service devices is not a covered service.

- III. **Emergency Response Qualifications – Vendor/Agency:**
 - a. Approved emergency response provider;
 - b. Current business license;
 - c. Comply with all laws, rules and regulations of the New Mexico state Corporation Commission for Telecommunications and Security Systems; and
 - d. Comply with all laws, rules and regulations from the Federal Trade Communication Commission (FCC) for telecommunications.

EMPLOYMENT SUPPORTS SERVICES

- I. **Employment supports:** Employment supports services provide support to the participant in achieving and maintaining employment in jobs of their choice in his or her community. Employment supports include job development and job coaching supports after available vocational rehabilitation supports have been exhausted.

Employment supports will be provided by staff at current or potential work sites. When supported employment services are provided at a work site where persons without disabilities are employed, payment is made only for the adaptations, supervision and training required by participants receiving waiver services as a result of their disabilities, but does not include payment for the supervisory activities rendered as a normal part of the business setting.

Providers will maintain a confidential case file for each individual that documents activities, progress and scope of work outlined in the participant's service and support plan. Documentation is maintained in the file of each participant receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or IDEA.

Employment supports include the following services:

- a. **Job Coaching:** Job coaching is a service provided to individuals when the services are not otherwise available for the individual under a program funded under the Rehabilitation Act of 1973, the Division of Vocational Rehabilitation or through the New Mexico Department of Education. Job coach services are available 365 days a year, 24 hours a day. Services are driven by the individual's service and support plan and job. Medicaid funds are not used to pay the individual. Job coaches will adhere to the specific supports and expectations negotiated with the participant and employer prior to service delivery.
- b. **Job Development:** Job development services are provided to individuals when the services is not otherwise available for the individual under a program funded under the Rehabilitation Act of 1973, the Division of Vocational Rehabilitation or through the New Mexico Department of Education. Job development is a service provided to participants by skilled staff. The service has five components: job identification and development activities; employer negotiations; job restructuring; job sampling; and job placement.

- II. **Scope of Job Coach Services:** Job coach services will include, but are not limited to the following:
- a. Provide support to participants as contained in the Services Support Plan as to achieve his or her outcomes;
 - b. Teach vocational skills in a workplace setting;
 - c. Employ job-coaching techniques and help individual learn to accomplish job tasks to the employer's specifications;
 - d. Increase the individual's capacity to engage in meaningful and productive interpersonal interactions with co-workers, supervisors and customers;
 - e. Identify and strengthen natural supports that are available to the individual at the job site and fade paid supports in response to increased natural supports.
 - f. Identify specific information about the individual's interests, preferences and abilities;
 - g. Effectively communicate with the employer about how to support the participant to succeed including any special precautions and considerations of the individual's disability, medications, or other special concerns;
 - h. Monitor and evaluate the effectiveness of the service and provide reports or documentation to the participant if requested in the Services and Support Plan.
 - i. Address behavioral, medical or other significant needs identified in Services and Support Plan.
 - j. Follow any individual specific therapeutic recommendations including speech, occupational and/or physical therapy, behavioral support, special diets and other therapeutic routines that are noted in the Services Support Plan.
 - k. Communicate effectively with the individual including communication through the use of adaptive equipment as well as the individual's communication dictionary, if applicable, at the work site;
 - l. If applicable, administer medication(s) in accordance with Developmental Disabilities Support Division's (DDSD) Medication Assessment and Delivery Policy and Procedures;
 - m. Monitor the health and safety of the participant;
 - n. Model behavior, instruct and monitor any work place requirements to the individual.

- o. Adhere to professionally acceptable business attire and appearance, and communicate professionally and in a respectful manner.
- p. Adherence to rules of the specific work place, including dress, confidentiality, safety rules and other areas required by the employer.

III. Scope of Job Development Services:

- a. Identify potential employers and jobs in the area that provide work opportunities consistent with the individual's preferences, interests and choice;
- b. Negotiate job functions, hours and supervision in the individual's best interests;
- c. Conduct satisfaction surveys as requested by the individual;
- d. Broker relationships between the employer and the individual in order to develop and maintain job success;
- e. Identify potential employers and jobs in the area that provide work opportunities consistent with the individual's preferences, interests and choices.
- f. Conduct job task analysis to ensure appropriate job match(es);
- g. Assess barriers to individual skill development on the job and provide or obtain appropriate accommodations tailored to the individual's ability to master task;
- h. Interact professionally in individual and group contacts, on the phone, in writing with various levels of a company, including human resources and management.
- i. Assist employer with Americans With Disabilities Act (ADA) issues, Work Opportunity Tax Credit (WOTC) eligibility, requests for reasonable accommodations, disability awareness training and workplace modification or make referrals to appropriate agencies;
- j. Utilize, refer and communicate with the Division of Vocational Rehabilitation (DVR) concerning job placement and referral activities consistent with industry and Mi Via standards;
- k. Utilize Department of Labor Navigators, One-Stop C Career Centers, Department of Labor, Business Leadership Network, Chamber of Commerce, Job Accommodation Network, Small Business Development Centers, Retired Executive, Businesses, community agencies, NM Employment Institute and DDSD resources to achieve employment outcomes;

- l. Maintain on-going communication with various levels of the company to assure satisfaction to both the individual and the company;
- m. During the time of service delivery, ensure the individual's earnings and benefits are in accordance with Fair Labor Standards Act. Each individual's earnings and benefits will be reviewed at least semi-annually during the services and support plan year to ensure the appropriateness of pay rates and benefits;
- n. Conduct a vocational assessment or profile as deemed necessary our upon request of the participant;
- o. Provide a career development plan as deemed necessary or upon the request of the participant;
- p. Develop specific supports and expectations a the work site that will be appropriate to the setting and negotiated with the employer prior to and during employment;
- q. Verify and ensure that individuals receive job benefits and services such as paid time off, health insurance, retirement, awards, raises, performance reviews and training consistent with those in a similar job category; and
- r. Provide career and skill development for advancement and integration in work-related activities or events.

IV. Job Coach Qualifications – Individual Provider:

- a. Be at least 18 years of age;
- b. Be qualified to perform the service and demonstrate capacity to perform required tasks;
- c. Be able to communicate successfully with the participant;
- d. Experience as a job coach for at least one year;
- e. Experience for at least one year using job and task analyses;
- f. Trained on American with Disabilities Act (ADA);
- g. Trained on the purpose, function and general practices of the Division of Vocational Rehabilitation (DVR);
- h. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- i. Complete training on critical incident, abuse, neglect, and exploitation reporting;

- j. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- k. Meet any other service qualifications, as specified in the Mi Via regulations.

V. Job Developer Qualifications – Individual Provider:

- a. Be at least 18 years of age;
- b. Pass criminal background check and abuse registry screen;
- c. Experience as a job developer for at least one year;
- d. Experience for at least one year developing and using job task and analyses;
- e. Experience for at least one year working with the Division of Vocational Rehabilitation, a traditional DD waiver employment provider, an independent living center or organization that provides employment supports or services for people with disabilities;
- f. Trained on the purposes, functions and general practices entities such as:
 - i. Department of Workforce Solutions Navigators;
 - ii. One-Stop Career Centers;
 - iii. Business Leadership Network;
 - iv. Chamber of Commerce;
 - v. Job Accommodation Network;
 - vi. Small Business Development Centers;
 - vii. Retired Executives; and
 - viii. New Mexico Employment Institute.
- g. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- h. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- i. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and

supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and

- j. Meet any other service qualifications, as specified in the Mi Via regulations.

VI. Job Coach and/or Job Developer Qualifications – Provider Agency:

- a. Possess a current business license, if applicable;
- b. Meet financial solvency;
- c. Adhere to training requirements;
- d. Maintain individual records for each participant within HIPAA compliance. The agency will maintain a confidential case file for each individual that documents activities, progress and scope of work outlined in the participant's service and support plan.
- e. Develop and adhere to a records management policy;
- f. Develop and adhere to quality assurance rules and requirements;
- g. Ensure job coaches have the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Be qualified to perform the service and demonstrate capacity to perform required tasks;
 - iii. Be able to communicate successfully with the participant;
 - iv. Experience as a job coach for at least one year;
 - v. Experience for at least one year using job and task analyses;
 - vi. Trained on American with Disabilities Act (ADA);
 - vii. Trained on the purpose, function and general practices of the Division of Vocational Rehabilitation (DVR);
 - viii. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
 - ix. Complete training on critical incident, abuse, neglect, and exploitation reporting;
 - x. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and

supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and

- xi. Meet any other service qualifications, as specified in the Mi Via regulations.
- h. Ensure job developers have the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Experience as a job developer for at least one year;
 - iii. Experience for at least one year developing and using job task and analyses;
 - iv. Experience for at least one year working with the Division of Vocational Rehabilitation, a traditional DD waiver employment provider, an independent living center or organization that provides employment supports or services for people with disabilities;
 - v. Trained on the purposes, functions and general practices entities such as:
 - a. Department of Workforce Solutions Navigators;
 - b. One-Stop Career Centers;
 - c. Business Leadership Network;
 - d. Chamber of Commerce;
 - e. Job Accommodation Network;
 - f. Small Business Development Centers;
 - g. Retired Executives; and
 - h. New Mexico employment institute.
 - i. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
 - j. Complete training on critical incident, abuse, neglect, and exploitation reporting;
 - k. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and

supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and

- I. Meet any other service qualifications, as specified in the Mi Via regulations.

ENVIRONMENTAL MODIFICATION SERVICES

- I. **Environmental Modification Services:** Environmental Modification services include the purchase and/or installation of equipment and/or making physical adaptations to a participant's residence that are necessary to ensure the health, welfare, and safety of the participant or enhance the participant's level of independence. All services shall be provided in accordance with applicable federal, state, and local building codes. Excluded are those adaptations or improvements to the home that are of general utility and are not of direct medical or remedial benefit to the participant, such as fences, storage sheds or other outbuildings. Adaptations that add to the total square footage of the home are excluded from this benefit except when necessary to complete an adaptation.

The environmental modification provider must ensure proper design criteria is addressed in planning and design of the adaptation, provide or secure licensed contractor(s) or approved vendor(s) to provide construction/remodeling services, provide administrative and technical oversight of construction projects, provide consultation to family members, waiver providers and contractors concerning environmental modification projects to the participant's residence, and inspect the final environmental modification project to ensure that the adaptations meet the approved plan submitted for environmental adaptation.

Environmental Modifications are managed by professional staff available to provide technical assistance and oversight to environmental modification projects. All services shall be provided in accordance with applicable federal, state, and local building codes.

Environmental Modification services are limited to seven thousand dollars (\$7,000.00) every five (5) years. Additional services may be requested if a participant's health and safety needs exceed the specified limit.

Environmental modifications will not be paid for under Related Goods.

- II. **Scope of Environmental Modification Services: Environmental Adaptations include the following:**

- a. Installation of ramps and grab-bars;
- b. Widening of doorways/hallways;
- c. Installation of specialized electric and plumbing systems to accommodate medical equipment and supplies;

- d. Installation of lifts/elevators;
- e. Modification of bathroom facilities (roll-in showers, sink, bathtub, and toilet modifications, water faucet controls, floor urinals and bidet adaptations and plumbing);
- f. Turnaround space adaptations;
- g. Installation of specialized accessibility/safety adaptations/additions;
- h. Installation of Trapeze and mobility tracks for home ceilings;
- i. Installation of Automatic door openers/doorbells;
- j. Installation of Voice-activated, light-activated, motion-activated and electronic devices;
- k. Installation of Fire safety adaptations;
- l. Installation of Air filtering devices;
- m. Installation of heating/cooling adaptations;
- n. Installation of glass substitute for windows and doors;
- o. Installation of modified switches, outlets or environmental controls for home devices; and,
- p. Installation of alarm and alert systems and/or signaling devices.

III. Environmental Modification Qualifications – Individual Contractor and Agency Contractor:

- a. Current business license;
- b. Appropriate plumbing, electrician, contractor license; and/or,
- c. Appropriate technical certification or other license to perform the modification.

HOME HEALTH AIDE

- I. **Home Health Aide Services:** Home Health Aide services provide total care or assist a participant in all activities of daily living. Home health aide services assist the participant in a manner that will promote and improve the participant's quality of life and provide a safe environment for the participant. Home health aide services can be provided outside the participant's home.

State plan home health aide services are intermittent and are provided primarily on a short-term basis; whereas, in Mi Via, home health aide services are hourly services for participants who need this service on a more long-term basis.

Home health aides may provide basic non-invasive nursing assistant skills within the scope of their practice. Home health aides do not administer medication(s), adjust oxygen levels, perform any intravenous procedures or perform sterile procedures. Home health aide services are not duplicative of homemaker/direct support services. Participants may not purchase both home health aide services and homemaker/direct support services on the service and support plan.

II. **Scope of Services:**

- a. Provide personal hygiene (e.g. sponge bathing, showering, bed shampooing, shaving, oral hygiene dressing);
- b. While under the supervision of a licensed physical therapist or licensed nurse (RN or LPN), assist with ambulation, transfer and range of motion exercises;
- c. Assist with menu planning, meal/snack preparation and assist participant with eating as necessary;
- d. As ordered by a physician and under supervision of a licensed nurse (RN or LPN), he/she will assist with bowel and bladder elimination with activities such as: catheter care, colostomy care, enemas, insertion of non-prescribed suppository, prosthesis care and vital signs;
- e. Provide homemaking services (e.g. laundry, linen change, cleaning)
- f. Pick up medication(s);
- g. Assist or prompt participant in self administration of medication(s);
- h. Observe general condition of participant and report changes to supervisor;
- i. Document participant's status and services furnished, infection control procedures; and

- j. Recognize emergencies and adhere to emergency procedures.

III. Home Health Aide Qualifications – Agency Provider:

- a. Licensed in New Mexico as a home health agency, rural health clinic or federally qualified health center;
- b. Possess current business license;
- c. Meet financial solvency;
- d. Adhere to training requirements;
- e. Maintain individual records for each participant within HIPAA compliance;
- f. Develop and adhere to a records management policy;
- g. Develop and adhere to quality assurance policies and processes;
- h. Supervision must be performed by a registered nurse. Such supervision must occur at least once every 60 days in the participant's home, and shall be in accordance with the New Mexico Nurse Practice Act and be specific to the participant's SSP. Contact must be made with family members during supervision; and
- i. Ensure all assigned staff meet the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Be qualified to perform the service and demonstrate capacity to perform required tasks;
 - iii. Have successfully completed a home health aide training program, as described in 42 CFR 484.36(a)(1) and (2); or have successfully completed a home health aide training program pursuant to 7.28.2.30 NMAC. Copies of Certified Nurse Aide (CNA) certificates must be maintained in the personnel file of the home health aide;
 - iv. Be able to communicate successfully with the participant;
 - v. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
 - vi. Complete training on critical incident, abuse, neglect, and exploitation reporting; and
 - vii. Meet any other service qualifications, as specified in the Mi Via regulations.

HOMEMAKER/DIRECT SUPPORT SERVICES

- I. **Homemaker/Direct Support Services:** Homemaker or direct support services are provided on an episodic or continuing basis to assist the participant to accomplish tasks he/she would normally do for him/herself if he/she did not have a disability. Homemaker or direct support services are provided in the participant's home and in the community, depending on the participants needs. The participant identifies the homemaker or direct support worker's training needs. If the participant is unable to do the training him/herself, the participant arranges for the needed training.

Participants who access this service may not access assisted living services. Providers will bill for services in shared households within state guidelines. Two or more participants living in the same residence, who are receiving services and supports under Mi Via will be assessed both independently and jointly to determine coverage of services and supports that are shared. Services and supports will be approved based on the common needs and not individual needs, unless it has been assessed by the Third Party Assessor (TPA) contractor that there is an individual need for provision of the service(s) or support(s).

Services are not intended to replace supports available from a primary caregiver. Participants may not purchase both homemaker/direct support services and home health aide services on the service and support plan.

This service is not available for participants under age 21, because personal care services are covered under the Medicaid state plan as expanded EPSDT benefits for waiver participants under age 21.

- II. **Scope of Homemaker/Direct Support Services:** Homemaker/Direct Support Services will include, but is not limited to the following:

- a. Assist the participant with activities of daily living;
- b. Perform general household tasks;
- c. Provide companionship to acquire, maintain or improve social interaction skills in the community; and
- d. Attend trainings as designated by the participant in the SSP.

- III. **Homemaker/Direct Support Qualifications – Individual Provider:**

- a. Be at least 18 years of age;

- b. Be qualified to perform the service and demonstrate capacity to perform required tasks;
- c. Be able to communicate successfully with the participant;
- d. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- e. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- f. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- g. Meet any other service qualifications, as specified in the Mi Via regulations.

IV. Homemaker/Direct Support Qualifications – Agency Provider:

- a. Be certified by the HSD/MAD or its designee;
- b. Home health agencies must hold a home health agency license;
- c. Possess a current business license, if applicable;
- d. Meet financial solvency;
- e. Adhere to training requirements;
- f. Maintain individual records for each participant within HIPAA compliance;
- g. Develop and adhere to a records management policy; and
- h. Develop and adhere to quality assurance rules and requirements;
- i. Ensure all assigned staff meet the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Be qualified to perform the service and demonstrate capacity to perform required tasks;
 - iii. Be able to communicate successfully with the participant;
 - iv. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;

- v. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- vi. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- vii. Meet any other service qualifications, as specified in the Mi Via regulations.

NUTRITIONAL COUNSELING

- I. **Nutritional Counseling:** Nutritional counseling services are designed to meet the unique food and nutritional needs presented by individuals with developmental disabilities. This does not include oral-motor skill development services, such as those provided by a speech pathologist.
- II. **Scope of Services:**
 - a. Assessment of nutritional needs;
 - b. Development and/or revision of the participant's nutritional plan; and
 - c. Counseling and nutritional intervention and observation and technical assistance related to implementation of the nutritional plan.
- III. **Nutritional Counseling Qualifications - Individual Provider:**
 - a. Be licensed per the New Mexico Regulation and Licensing Department; Nutrition and Dietetics Practice Act, NMSA 1978, Section 61-7A et.seq.
- IV. **Nutritional Counseling Qualifications - Agency Provider:**
 - a. Current business license;
 - b. Provide a tax identification number;
 - c. Registered as a dietician by Commission on Dietetic Registration of the American Dietetic Association;
 - d. Ensure staff meet the following qualifications:
 - i. Licensed per the New Mexico Regulation and Licensing Department; Nutrition and Dietetics Practice Act, NMSA 1978, Section 61-7A et.seq.

PERSONAL PLAN FACILITATION

- I. **Personal Plan Facilitation:** Personal plan facilitation supports planning activity that will result in a holistic person-centered plan that may be used by the participant to develop his/her service support plan (SSP) as well as identify other sources of support outside the SSP process. Essential life planning, Circles, MAPS, PATH, personal future planning, lifestyle planning and persona profile or other appropriate person-centered process may be used by the facilitator to produce the plan. Personal plan facilitation is a product of the self-determination movement. Personal plan facilitation is a nationally recognized service that provides an opportunity for the individual to explore and articulate the vision a participant has for his/her life. This service is provided by trained staff using personal plan facilitation tools. This service is not duplicative of waiver case management because the provider skillfully discovers and documents an individual's long range goals and desires that may only be addressed in the SSP by short range outcomes. This service is available to participants one time per budget year.

II. Scope of Services

- a. Meet with participant and his/her family (or guardian, as appropriate) prior to the personal planning session to discuss the process, to determine who the participant wishes to invite, determine the most convenient date, time and location. This meeting's preparation will include an explanation of the techniques the facilitator is proposing to use or options if the facilitator is trained in multiple techniques. The preparation will also include a discussion of the role the participant prefers to play at the planning session, which may include co-facilitation of all or part of the session;
- b. Arrange for participation of invitees and location;
- c. Conduct personal planning session;
- d. Use industry recognized tools such as Essential Life Planning (ELP), Circle of Friends, Making Action Plans (MAPS), Planning Alternative Tomorrows with Hope (PATH), Personal Future Planning (PFP), Lifestyle Planning and Personal Profile or other as appropriate person-centered process may be used by the facilitator to produce the plan.
- e. Document the results of the personal planning session and provide a copy to the participant, the consultant and any other parties the participant would like to receive a copy. Elements the report will include:
 - i. Strengths, gifts, talents, interests and preferences of the individual;

- ii. Long-Term dream(s)/goal(s) the individual wishes to pursue;
- iii. Challenges the individual faces (if any) in pursuing his or her dream(s)/goal(s);
- iv. Potential resources, especially natural supports within the individual's community that can potentially support the individual in pursuing his or her dream(s)/goal(s);
- v. Recommended services to be included in the SSP;
- vi. Services available to the participant from sources other than Medicaid; and
- vii. A list of follow up actions participants agreed to take, including time lines.

III. Personal Plan Facilitator Qualifications - Individual Provider:

- a. Be at least 18 years of age;
- b. Have at least one (1) experience working with persons with disabilities;
- c. Be trained and certified in the planning tool(s) used;
- d. Be trained and certified in mediation (optional);
- e. Have at least one (1) experience in providing personal plan facilitation services;
- f. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- g. Meet any other service qualifications, as specified in the Mi Via regulations.

IV. Personal Plan Facilitator Qualifications - Agency Provider:

- a. Current business license;
- b. Financial solvency;
- c. Ensure compliance with staff training requirements;
- d. HIPAA compliant records management;
- e. Quality assurance policies and processes;

- f. If a currently approved waiver provider, be in good standing with the appropriate state agency;
- g. Ensure agency staff meet individual qualifications:
 - i. Be at least 18 years of age;
 - ii. Have at least one (1) experience working with persons with disabilities;
 - iii. Be trained and certified in the planning tool(s) used;
 - iv. Have at least one (1) experience in providing personal plan facilitation services;
 - v. Be trained and certified in mediation(optional);
 - vi. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
 - vii. Meet any other service qualifications, as specified in the Mi Via regulations.

PRIVATE DUTY NURSING FOR ADULTS

- I. **Private Duty Nursing for Adults:** Private Duty Nursing for Adults includes activities, procedures, and treatment for a participant's physical condition, physical illness or chronic disability.
- II. **Scope of Services:** Private Duty Nursing services for adults may include performance, assistance and education with the following tasks:
 - a. Medication management, administration and teaching;
 - b. Aspiration precautions;
 - c. Feeding tube management, gastrostomy and jejunostomy;
 - d. Skin care;
 - e. Weight management;
 - f. Urinary catheter management;
 - g. Bowel and bladder care;
 - h. Wound care;
 - i. Health education and screening;
 - j. Infection control;
 - k. Environmental management for safety;
 - l. Nutrition management;
 - m. Oxygen management;
 - n. Seizure management and precautions;
 - o. Anxiety reduction;
 - p. Staff supervision; and,
 - q. Behavior and self-care assistance.
- III. **Private Duty Nursing Qualifications - Agency Provider:**
 - a. Licensed in New Mexico as a Home Health Agency, Rural Health Clinic or Federally Qualified Health Center (FQHC Agency);
 - b. Possess current business license;

- c. Meet financial solvency;
- d. Adhere to training requirements;
- e. Maintain individual records for each participant within HIPAA compliance;
- f. Develop and adhere to a records management policy;
- g. Develop and adhere to quality assurance policies and processes;
- h. Ensure all assigned staff meet the following qualifications:
 - i. Licensed by the New Mexico State Board of Nursing as a RN or LPN.
 - ii. Demonstrate capacity to perform required tasks;
 - iii. Be able to communicate successfully with the participant;
 - iv. Complete training on critical incident, abuse, neglect, and exploitation reporting;
 - v. Individual RN/LPN providers must be licensed by the New Mexico state board of nursing as an RN or LPN.; and
 - vi. Meet any other service qualifications, as specified in the Mi Via regulations

IV. Private Duty Nursing Qualifications - Individual Provider:

- a. Provide a tax identification number;
- b. Individual RN/LPN providers must be licensed by the New Mexico State Board of Nursing as an RN or LPN.
- c. Demonstrate capacity to perform required tasks;
- d. Be able to communicate successfully with the participant;
- e. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- f. Meet any other service qualifications, as specified in the Mi Via regulations.

RELATED GOODS

- I. **Related Goods:** Related goods are equipment, supplies, fees or memberships, not otherwise provided through Mi Via, the Medicaid state plan or through Medicare.
- II. **Scope of Services:** Related goods must address a need identified in the participant's service and support plan (including improving and maintaining the participant's opportunities for full membership in the community) and meet the following requirements:
 - a. be responsive to the participant's qualifying condition or disability; and
 - b. meet the participant's clinical, functional, medical or habilitative needs; and
 - c. support the participant to remain in the community and reduces the risk for institutionalization; and
 - d. promote personal safety and health; and afford the participant an accommodation for greater independence; and
 - e. decrease the need for other Medicaid services; and
 - f. accommodate the participant in managing his/her household; or
 - g. facilitate activities of daily living.
 - h. Related goods must be documented in the SSP, and be approved by the TPA. The cost and type of related good is subject to approval by the TPA. Participants are not guaranteed the exact type and model of related good that is requested. The consultant, TPA or the state can work with the participant to find other (including less costly) alternatives.
 - i. The related goods must not be available through another source and the participant must not have the personal funds needed to purchase the goods.
 - j. Experimental or prohibited treatments and goods are excluded.
- III. **Related Goods Qualifications - Vendor Agency Provider:**
 - a. Business license for the locale(s) of operations;
 - b. Valid tax identification for the state and federal governments.

RESPITE

- I. **Respite services:** Respite is a flexible family support service that provides support to the participant and gives the primary caregiver time away from his/her duties. Respite services are furnished on a short term basis and can be provided in the participant's home, the provider's home, in community setting of the family's choice (e.g., community center, swimming pool and park), or at a center in which other individuals are provided care.

Respite services may be provided by eligible individual respite providers; licensed registered (RN) or practical nurses (LPN); or respite provider agencies.

- II. **Scope of Respite services:** Respite services include, but are not limited to the following:
 - a. Assist with routine activities of daily living (e.g. bathing, toileting, preparing or assisting with meal preparation and eating).
 - b. Enhance self-help skills, leisure time skills and community and social awareness;
 - c. Provide opportunities for leisure, play and other recreational activities;
 - d. Provide opportunities for community and neighborhood integration and involvement;
 - e. Provide opportunities for the participant to make his/her own choices with regards to daily activities.
 - f. Respite services do not include the cost of room and board.

- III. **Respite Qualifications – Individual Provider:**

- a. Be at least 18 years of age;
- b. Be qualified to perform the service and demonstrate capacity to perform required tasks;
- c. Be able to communicate successfully with the participant;
- d. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
- e. Complete training on critical incident, abuse, neglect, and exploitation reporting;

- f. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB; and
- g. Meet any other service qualifications, as specified in the Mi Via regulations; and
- h. Individual RN/LPN providers must be licensed by the New Mexico state board of nursing as an RN or LPN.

IV. Respite Qualifications - Provider Agency:

- a. Possess a current business license, if applicable;
- b. Meet financial solvency;
- c. Adhere to training requirements;
- d. Maintain individual records for each participant within HIPAA compliance;
- e. Develop and adhere to a records management policy; and
- f. Develop and adhere to quality assurance rules and requirements;
- g. Ensure all assigned staff meet the following qualifications:
 - i. Be at least 18 years of age;
 - ii. Be qualified to perform the service and demonstrate capacity to perform required tasks;
 - iii. Be able to communicate successfully with the participant;
 - iv. Pass a nationwide caregiver criminal history screening pursuant to NMSA 1978, Section 29-17-2 et seq. and 7.1.9 NMAC and an abuse registry screen pursuant to NMSA 1978, Section 27-7a-1 et seq. and 8.11.6 NMAC;
 - v. Complete training on critical incident, abuse, neglect, and exploitation reporting;
 - vi. Complete participant specific training; the evaluation of training needs is determined by the participant or his/her legal representative; participant is also responsible for providing and arranging for employee training and supervising employee performance; training expenses for paid employees cannot be paid for with the Mi Via participant's AAB;
 - vii. Individual RN/LPN providers must be licensed by the New Mexico state board of nursing as an RN or LPN; and

- viii. Meet any other service qualifications, as specified in the Mi Via regulations.

SPECIALIZED THERAPIES (formerly known as Alternative Therapies)

- I. **Specialized Therapies:** Specialized therapies are non-experimental therapies or techniques that have been proven effective for certain conditions. Services must be related to the person's disability or condition, ensure the participant's health and welfare in the community. The service will supplement (not replace) the participant's natural supports and other community services for which the participant may be eligible.

Experimental or investigational procedures, technologies or therapies and those services covered in Medicaid state plans are excluded.

II. Scope of therapies:

- a. Acupuncture is a distinct system of primary health care. The goal of acupuncture is to prevent, cure or correct any disease, illness, injury, pain or other physical or mental condition by controlling and regulating the flow and balance of energy, form and function to restore and maintain physical health and increased mental clarity. Acupuncture may provide effective pain control, decreased symptoms of stress, improved circulation and a stronger immune system, as well as other benefits. See Acupuncture and Oriental Medicine Practitioners 16.2.1 NMAC.
- b. Biofeedback uses visual, auditory or other monitors to provide participants physiological information of which they are normally unaware. This technique enables a participant to learn how to change physiological, psychological and behavioral responses for the purposes of improving emotional, behavioral and cognitive health performance. Biofeedback may assist in strengthening or gaining conscious control over the above processes in order to self-regulate. Biofeedback is also useful for muscle re-education of specific muscle groups or for treating pathological muscle abnormalities of spasticity, incapacitating muscle spasm or weakness.
- c. Chiropractic care is designed to locate and remove interference with the transmissions or expression of nerve forces in the human body by the correction of misalignments or subluxations of the vertebral column and pelvis. Chiropractic care restores and maintains health for treatment of human disease primarily by, but not limited to adjustment and manipulation of the human structure. Chiropractic therapy may positively affect neurological

- function, improve certain reflexes and sensations, increase range of motion and lead to improved general health. See Chiropractitioners 16.4.1 NMAC.
- d. Cognitive rehabilitation therapy is designed to improve cognitive functioning with the following activities: reinforcing, strengthening, or re-establishing previously learned patterns of behavior; establishing new patterns of cognitive activity; or compensatory mechanisms of impaired neurological systems. Treatments may be focused on improving a particular cognitive domain such as attention, memory, language, or executive functions. Alternatively, treatments may be skill-based, aimed at improving performance of activities of daily living. The overall goal is to restore function in a cognitive domain or set of domains or to teach compensatory strategies to overcome specific cognitive problems.
 - e. Hippotherapy is a physical, occupational and speech-language therapy treatment strategy that utilizes equine movement as part of an integrated intervention program to achieve functional outcomes. Hippotherapy applies multidimensional movement of a horse for participants with movement dysfunction and may increase mobility and range of motion, decrease contractures and aid in normalizing muscle tone. Hippotherapy requires that the participant use cognitive functioning especially for sequencing and memory. Participants with attention deficits and behavior problems are redirecting attention and behaviors by focusing on the activity. Hippotherapy involves therapeutic exercise, neuromuscular education, kinetic activities, therapeutic activities, sensory integration activities and individual speech therapy. The activities may also help improve respiratory function and assist with improved breathing and speech production.
 - f. Massage therapy is the assessment and treatment of soft tissues and their dysfunction for therapeutic purposes primarily for comfort and relief of pain. It includes gliding, kneading, percussion, compression, vibration, friction, nerve strokes, stretching the tissue and exercising range of motion and may include the use of oils, salt glows, hot or cold packs or hydrotherapy. Massage increases the circulation, helps loosen contracted, shortened muscles and can stimulate weak muscles to improve posture and movement, improves range of motion and reduces spasticity. Massage therapy may increase, or help sustain, a participant's ability to be more independent in the performance of activities of daily living; thereby, decreasing dependency upon others to perform or assist with basic daily activities. See Massage Therapists 16.7.1 NMAC.

- g. Naprapathy focuses on the evaluation and treatment of neuro-musculoskeletal conditions and is a system for restoring functionality and reducing pain in muscles and joints. The therapy uses manipulation and mobilization of the spine and joints and muscle treatments such as stretching and massage. Based on the concept that constricted connective tissue (ligaments, muscles and tendons) interfere with nerve, blood and lymph flow, naprapathy uses manipulation of connective tissue to open these channels of body function. See Naprapathic Practitioners 16.6.1 NMAC.
- h. Native American healing therapies encompass a wide variety of culturally-appropriate therapies that support participants in their communities by addressing their physical, emotional and spiritual health. Treatments may include prayer, dance, ceremony and song, plant medicines and foods, participation in sweat lodges, and the use of meaningful symbols of healing, such as the medicine wheel and/or other sacred objects.
- i. Play therapy is a variety of play and creative arts techniques (e.g. Play Therapy Tool Kit) utilized to alleviate chronic, mild and moderate psychological and emotional conditions in children that are causing behavioral problems and/or are preventing children from realizing their potential. The play therapist works integratively using a wide range of play and creative arts techniques, mostly responding to the child's wishes.

III. Specialized Therapy Qualifications – Individual Therapist Provider

- a. Current New Mexico state license as applicable:
 - i. Acupuncture and Oriental Medicine license
 - ii. Biofeedback – license in a healthcare profession whose scope of practice includes biofeedback, and appropriate specialized training and clinical experience and supervision.
 - iii. Chiropractic Physician license
 - iv. Cognitive rehabilitation therapy – license in a health care profession whose scope of practice includes cognitive rehabilitation therapy, and appropriate specialized training and clinical experience and supervision.
 - v. Hippotherapy – license in a health care profession whose scope of practice includes hippotherapy and appropriate specialized training and experience.
 - vi. Massage therapy license

- vii. Naprapathic Physician license
- viii. Play therapy – license in a mental health profession whose scope of practice includes play therapy, a master’s degree or higher mental health degree and specialized play therapy training and clinical experience and supervision.
- ix. Native American Healers – individuals who are recognized as healers within their communities. This form of therapy may be provided by community-recognized medicine men and women and others as healers, mentors and advisors to participants.

IV. Specialized Therapy Qualifications - Provider Agency:

- a. Current business license;
- b. Provide tax identification number;
- c. Group practice/vendor staff must hold current New Mexico licensure and training in their respective discipline as follows:
 - i. Acupuncture and Oriental Medicine license
 - ii. Biofeedback – license in a healthcare profession whose scope of practice includes biofeedback, and appropriate specialized training and clinical experience and supervision.
 - iii. Chiropractic Physician license
 - iv. Cognitive rehabilitation therapy – license in a health care profession whose scope of practice includes cognitive rehabilitation therapy, and appropriate specialized training and clinical experience and supervision.
 - v. Hippotherapy – license in a health care profession whose scope of practice includes hippotherapy and appropriate specialized training and experience.
 - vi. Massage therapy license
 - vii. Naprapathic Physician license
 - viii. Play therapy – license in a mental health profession whose scope of practice includes play therapy, a master’s degree or higher mental health degree and specialized play therapy training and clinical experience and supervision.
 - ix. Native American Healers – individuals who are recognized as healers within their communities.

THERAPIES – EXTENDED STATE PLAN SKILLED THERAPIES FOR ADULTS

- I. **Therapies:** Therapies are provided when Medicaid state plan skilled therapy services are exhausted. Adult participants in Mi Via access therapy services under the Medicaid state plan for acute and temporary conditions that are expected to improve significantly in a reasonable and generally predictable period of time. Therapy services provided to adults in Mi Via are to focus on health maintenance, improving functional independence, community integration, socialization, exercise or to enhance supports and normalization of family relationships.
 - a. **Physical therapy:** Physical therapy is the diagnosis and management of movement dysfunction and the enhancement of physical and functional abilities.
 - b. **Occupational therapy:** Occupational therapy is the diagnosis, assessment and management of functional limitations intended to assist adults to regain, maintain, develop and build skills that are important for independence, functioning and health.
 - c. **Speech language and pathology:** Speech and language pathology is the diagnosis, counseling and instruction related to the development and disorders of communication including speech fluency, voice, verbal, written language, auditory comprehension, cognition, swallowing dysfunction, oral pharyngeal or laryngeal and sensor motor competencies. Speech language pathology is also used when a participant requires the use of an augmentative communication device. Based upon therapy goals, services may be delivered in an integrated natural setting, clinical setting or in a group.

II. Scope of therapies:

- a. Physical therapy:
 - i. Diagnostic activities to determine the dysfunction of physical and functional activities;
 - ii. Activities to increase, maintain or reduce the loss of functional skills;
 - iii. Treat specific condition(s) clinically related an individual's qualifying condition or disability;
 - iv. Activities to support the participant's health and safety needs; and

- v. Identify, implement and train on therapeutic strategies to support the individual, family and/or staff in the home setting or other environments as addressed in the service and support plan.
- b. Occupational therapy:
- i. Diagnostic activities to determine skills assessment and treatment;
 - ii. Write treatment program to improve one's ability to perform daily tasks;
 - iii. Comprehensive home, employment and/or volunteer sites evaluations with adaptation recommendations;
 - iv. Provide guidance to family members and caregivers;
 - v. Make assistive technology recommendations and provide usage training for participants, family and staff.
 - vi. Identify, implement and train on therapeutic strategies to support the individual, family and/or staff in the home setting or other environments as addressed in the service and support plan.
- c. Speech and language pathology:
- i. Improve or maintain the participant's capacity for successful communication or to lessen the effects of the participant's loss of communication skills;
 - ii. Consultation on usage and training on augmentative communication devices;
 - iii. Activities to improve or maintain the individual's ability to eat food, drink liquid and manage oral secretions with minimal risk of aspiration or other injuries or illness related to swallowing disorders;
 - iv. Activities to identify, implement and train on therapeutic strategies to support the participant, his/her family and/or staff consistent with the participant's service and support plan.

III. Therapy Qualifications – Individual Therapist Provider:

- a. Provide a tax identification number;
- b. Maintain a case file within HIPAA guidelines for the participant to include:
 - i. Participant's service and support plan;
 - ii. Reports as requested in the service and support plan;
 - iii. Contact notes;

- iv. Training roster(s); and
 - v. Assessments for environmental modification requests.
- c. Licensures:
- i. Physical therapists will be licensed as per the New Mexico Regulation and Licensing Department; Physical Therapy Act NMSA 1978, Section 61-12-1.1 et.seq.;
 - ii. Occupational therapists will be licensed as per the New Mexico Regulation and Licensing Department; Occupational Therapy Act NMSA 1978, Section 61-12A-1et.seq.; and
 - iii. Speech and Language Pathologists will be licensed as per the New Mexico Regulation and Licensing Department; Occupational Therapy Act NMSA 1978, Section 61-14B-1et.seq.

IV. Therapy Qualifications – Provider Agency:

- a. Current business license;
- b. Provide tax identification number;
- c. Ensure physical therapists maintain a case file within HIPAA guidelines for the participant to include:
 - i. Participant’s service and support plan;
 - ii. Reports as requested in the service and support plan;
 - iii. Contact notes;
 - iv. Training roster(s); and
 - v. Assessments for environmental modification requests.
- d. Ensure therapists has appropriate license for service:
 - i. Physical therapists will be licensed as per the New Mexico Regulation and Licensing Department; Physical Therapy Act NMSA 1978, Section 61-12-1.1 et.seq.;
 - ii. Occupational therapists will be licensed as per the New Mexico Regulation and Licensing Department; Occupational Therapy Act NMSA 1978, Section 61-12A-1et.seq.; and
 - iii. Speech and Language Pathologists will be licensed as per the New Mexico Regulation and Licensing Department; Occupational Therapy Act NMSA 1978, Section 61-14B-1et.seq.

TRANSPORTATION

- I. **Transportation:** Transportation services are offered in order to enable participants to gain access to waiver and other community services, activities and resources, as specified by the SSP. Transportation services under Mi Via are non-medical in nature, whereas transportation services provided under the Medicaid state plan are to transport participants to medically necessary physical and behavioral health services.

Payments are made to the participant's individual transportation employee or to a public or private transportation service vendor. Payments cannot be made to the participant. Whenever possible, natural supports should provide this service without charge.

II. **Scope of service:**

- a. The service will be provided as specified in the participant's service and support plan and budget.
- b. Mi Via transportation services cannot be used instead of or to replace transportation services available under the Medicaid state plan.

III. **Transportation Qualifications - Individual Provider:**

- a. Be at least 18 years of age;
- b. Possess a valid New Mexico drivers license;
- c. Be free of physical or mental impairment that would adversely affect driving performance;
- d. No driving while intoxicated (DWI) convictions within the previous two (2) years;
- e. No chargeable (at fault) accidents within the previous two (2) years;
- f. Have current CPR/First Aid certification;
- g. Complete training on critical incident, abuse, neglect, and exploitation reporting;
- h. Possess and maintain current insurance policy and registration.

IV. **Transportation Qualifications – Provider Agency:**

- a. Current business license;

- b. Valid tax identification number;
- c. Have a current basic First Aid kit in the vehicle;
- d. Each vehicle will contain a current insurance policy and registration; and
- e. Ensure drivers meet individual qualifications:
 - i. Be at least 18 years of age;
 - ii. Possess a valid New Mexico drivers license;
 - iii. Be free of physical or mental impairment that would adversely affect driving performance;
 - iv. No driving while intoxicated (DWI) convictions within the previous two (2) years;
 - v. No chargeable (at fault) accidents within the previous two (2) years;
 - vi. Have current CPR/First Aid certification; and
 - vii. Complete training on critical incident, abuse, neglect, and exploitation reporting;
 - viii. Trained on New Mexico Department of Health Improvement (DHI) Critical Incident Reporting and Procedures; and
 - ix. Possess current insurance policy and registration.