

CMS Settings Rules

Changes are Coming to Disability Services: Take Action to Protect Your Choices!

Employment and day services will be changing due to new Settings Rules guided by the Center for Medicaid and Medicare Services (CMS). Depending how the State of New Mexico decides to implement these new federal rules, the changes may be pretty drastic. **Some choices may no longer be available.** At Adelante, we have a preference and priority for individualized, integrated employment, and we have been helping people with disabilities be part of the community for nearly 40 years, so we appreciate the spirit of these changes. However, Adelante feels it is important to offer a **full range of options** because competitive employment and/or being out in the community in fully “on-the-go” programs are not the best choice for everyone.



Please look over this information, and help us implement these changes in ways that work for your loved ones, and **advocate for your choices.**

What is the CMS “Settings Rule”?

The CMS Settings Rule, also referred to as the “final rule”, addresses several sections of Medicaid law under which states may use federal Medicaid funds to pay for home and community-based services (HCBS) across the country.

The Settings Rule supports enhanced quality, adds protections for individuals receiving services, and reflects CMS’ intent to ensure that individuals receiving services have full access to the community and are able to receive services in the most integrated setting. Each state must have an approved plan, to be implemented by 2019.

The CMS Settings Rule May Impact the Choices Available to You Across All Programs

The CMS Settings Rule is open to interpretation by each state. New Mexico is in process of writing its plan as part of its Medicaid Waiver renewal, which could mean that certain categories of settings would be no longer allowed, potentially limiting your choices. In several states the changes have been pretty substantial and choices are limited.

Potential Impact on Employment Settings:

- “Sheltered Workshops” and all Group Working Settings may disappear.
- If New Mexico decides that group settings like Adelante’s are not allowed, there will not be an alternative so those jobs will disappear.
- Your choice will become limited to finding employment in a local business.
- Adelante and other agencies that do Supported Employment can help you. Let us know if you want a referral to our EmployAbility program.
- The economy in New Mexico is struggling. We have the highest unemployment in the nation, ever increasing minimum wages, and a very competitive job environment. As a result, it is likely providers will not be successful finding jobs for everyone who will be affected.



Potential Impact on Day-Hab/Community Options Programs

- The Settings Rule assumes that a meaningful day means “in the community” only, and New Mexico may determine that Adelante sites are not in the “community”.
- We consider our Community Options programs both part of the community and jumping off points. We spend lots of time in the community helping people to volunteer, explore cultural and informative sites, and find meaningful activities, but if New Mexico decides group settings are not allowed, **we may no longer have any fixed locations.**
- **Meeting at different sites daily** and being “out” **6+ hours a day** is not everyone’s choice or best option.
- Being completely out and about, is extremely difficult where there is less public transportation and minimal meaningful activities
- **Toileting, medications, and specialized food processing are compromised for some people**
- This more individualized service is even more expensive, so the State needs to fund this appropriately.
- Therapists, case managers, parents and others who normally meet at our sites would have to track us down on the go.
- Very small groups (2-4 including staff) can be isolating. Interaction with disabled peers and friends may actually be more limited.

There are states that have already implemented these changes. Adelante leaders went to Washington DC to observe an exemplary mobile day program. It was a great experience that validated our efforts. Adelante has been winning awards for quality services and employment for



many years, and was the national Program of the Year for the Council on Quality as far back as 1997 for our community integrated day services. We value and model these activities, and enjoyed seeing how the non-facility model was working.

We also learned that such services are not ideal for or chosen by everyone. **If New Mexico also elects to go completely facility free**, not everyone will be served appropriately. Those who didn’t select “non-facility based” primarily stayed at home. **Adelante can adapt to this type of program, however it will be a system change that will stress clients, families, case managers, and therapists.** Many individuals do not have the stamina or interest to be out all day. When team members and people with disabilities are always on the move to the next activity, **scheduling and providing other services will be difficult.** While in DC, we watched a dance class, for example. A therapist showed up a few minutes late to the studio and missed the person she needed to train, who was now on a city bus headed to the next activity with the clients. Adelante can change to this type of program, but it will definitely be a new way of working for the entirety of our client teams.

Some Potential Concerns

- Activities that are meaningful to an individual like museums and adult classes, may not exist, especially in rural areas.
- Public transportation must be abundant and inexpensive. We do not have a strong public transit system here to rely on.
- People with disabilities have limited funds. Taking classes and paying for activities every day for 6+ hours can get expensive.
- New Mexico has minimal ADA sites, especially with fully accessible bathrooms or family style bathrooms where adults could be changed.
- This option wasn’t beneficial for everyone. People in large wheelchairs or who had frequent behavioral issues were often stuck at home.

The bottom line is, competitive employment and non-facility day programs are good choices, but a full range of options should be available for people to choose from to avoid anyone being left out of the community altogether.

Your voice matters! Be sure to provide feedback on the Settings Rule to NM Dept. of Health: **Jennifer Rodriguez, DD Waiver Program Manager** Jennifer.Rodriguez@state.nm.us or (505)476-8840