

February 15, 2024

The Honorable Raul Torrez
Attorney General
New Mexico Department of Justice
408 Galisteo Street
Villagra Building
Santa Fe, NM 87501

Dear Attorney General Torrez,

Attached is a copy of a letter describing the concerns of many legislators regarding the New Mexico DD Waiver Program. We are asking that you review the requests in the attached letter and provide the Legislative Interim Health and Human Services Committee with your written report focused on each of the items detailed in the letter. We would appreciate having your report on or before November 1, 2024.

If you have questions regarding this request, or if you would like to meet with members of the Legislative Interim Health and Human Services Committee before completing the report, please do not hesitate to contact us. We may be reached at liz.thomson@nmlegis.gov.

With warmest regards,

Elizabeth Thomson

Representative Elizabeth Thomson
Chair – NM Legislative Health and Human Services Committee



Representative Pamela Herndon
Vice-Chair – NM Legislative Health and Human Services Committee



State of New Mexico
House of Representatives
State Capitol
Santa Fe

February 15 2024

The Honorable Raul Torrez
New Mexico Attorney General
408 Galisteo Street
Villagea Building
Santa Fe, New Mexico 87501

Dear Mr. Attorney General:

On behalf of the New Mexico families who have loved ones receiving services through the state Developmentally Disabled (DD) waiver program, we are writing to request your assistance in ensuring DD waiver program receipts are properly receiving the many services they desperately needed. These developmentally disabled individuals are some of the most vulnerable populations in our state and it is essential the DD waiver programs provide these individuals with a well-functioning program that protects their legal rights, as well as their daily needs.

In turn, we request that your office conduct an immediate review of the numerous aspects of the DD waiver program to determine whether program recipients' health and well-being are priorities of the program. Specifically, we ask that this review include the following:

- 1) The current system of investigation, reporting and referral for prosecution of abuse, neglect and exploitation cases in the state's developmental disability programs.
- 2) How the reporting of mortality of recipients is conducted, including the cause of deaths, the degree to which deaths were preventable, the average life span difference between the two DD Waivers and effects of long-term neglect to determine if the state is providing humane care for the recipients.
- 3) Whether recipients are afforded a fair hearing as required under both the state and federal law in instances where waiver services are not available to recipients when requested or when lists of providers of services are not provided.
- 4) What evidence exists to ensure provider reimbursement rates are sufficient to provide all the services under the waiver program to recipients in accordance with federal law.
- 5) Whether the implementation of the state's Developmental Disabilities Act is being conducted consistent with the provisions of the Act, including requirements for the provision of information to the DDC in accordance with federal law, assurance the requirements for stakeholder involvement are being carried out under the law, and how reporting duties are being carried out.

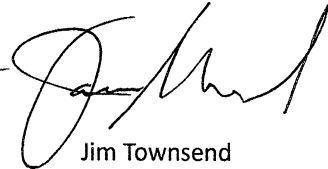
For too many years, New Mexico's DD waiver program has been plagued with a long-standing waiting list, insufficient number of service providers, and a lack of financial support for family caretakers. While there has been recent efforts to address these problems, the involvement of your office in reviewing the DD waiver program will provide a greater incentive that program recipients will be provided with essential services and treated with the utmost respect.

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Thank you very much for your consideration of our request. We look forward to your response in this most important issue.


Respectfully yours,



Ryan Lane
House Republican Leader HD 3



Jim Townsend
House Republican Whip HD 54



Gail Armstrong
House Republican Caucus Chair HD 49



Mark Duncan
State Representative HD 2

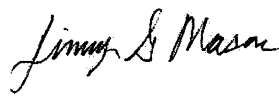

John Block
State Representative HD 51

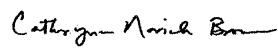

Andrea Reeb
State Representative HD 64



Alan Martinez
State Representative HD 23

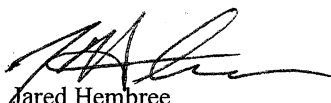

Candy Spence Ezzell
State Representative HD 58

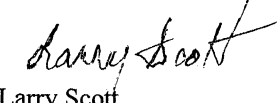

Jack Chatfield
State Representative HD 67

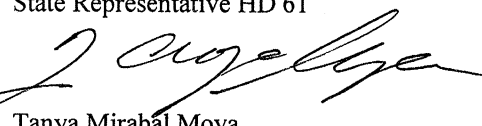

Jimmy Mason
State Representative HD 66

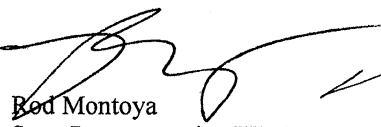

Cathrynn Brown
State Representative HD 55

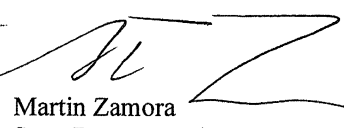

Randy Pettigrew
State Representative HD 61

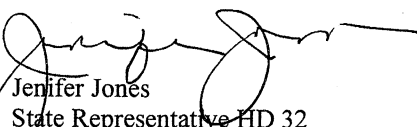

Jared Hembree
State Representative HD 59

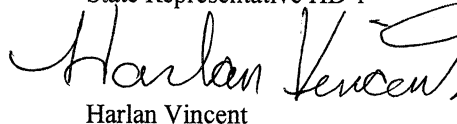

Larry Scott
State Representative HD 62

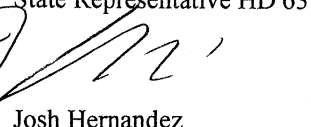

Tanya Mirabal Moya
State Representative HD 7

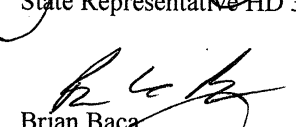

Rod Montoya
State Representative HD 1



Martin Zamora
State Representative HD 63

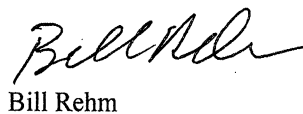

Jennifer Jones
State Representative HD 32


Harlan Vincent
State Representative HD 56



Josh Hernandez
State Representative HD 60


Brian Baca
State Representative HD 8


Stefani Lord
State Representative HD 22


Bill Rehm
State Representative HD 31


Jason Harper
State Representative HD 57


Luis Terrazas
State Representative 39

February 10, 2024

The Honorable Raul Torrez
New Mexico Attorney General
408 Galisteo Street
Villagea Building
Santa Fe, New Mexico 87501

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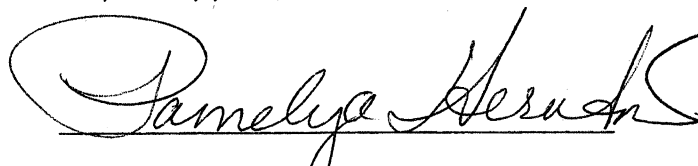
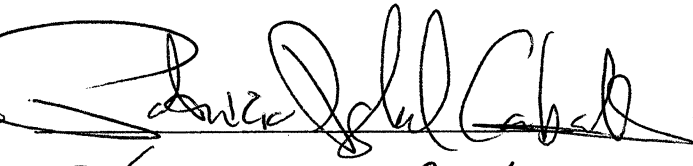
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Thank you very much for your consideration of our request. We look forward to your response in this most important issue.

Respectfully yours,


 

Liz Thomson

William M. Cate

Joanne Ferraro

Murphy Johnson


Mike Platten

Julia

Yanira Gurota


Jane-McCorm

La

Janelle Anganoni



Charlotte L. Little



Joy I. Garratt

Eleanor Alvarez

Ernest J. Bony

Torrey Hynes Rep. H048

Thank you very much for your consideration of our request. We look forward to your response in this most important issue.

Respectfully yours,

Miguel R. Lucía

Eleanor Chirney

Janelle Argarona

Yamira Gervola

Anthony Allison

Rafael H. Caballero

Gerardo S. Berry

Joy I. Hanatt

Charlotte L. Little

Donald Johnson

Rosemary

Rubio

State Rep. Dist. 14

State Rep. Dist. 24

State Rep. Dist. 19

State Rep. Dist. 16

State Rep. D-4

State Rep. Dist. 13

State Rep. Dist. 17

House District 29

HD 68

HD 5, State Rep

HD 47, State Representative

HD 35, State Rep

Thank you very much for your consideration of our request. We look forward to your response in this most important issue.

Respectfully yours,

L.M. L

Grace Ortiz y Pino

M. S.M. Z

Liah Correa Thompson

Shannon D. Pinto

JTE/LE ^{MP}

Carrie Hamblen

Brenda S. McKenna ^{SD9}

Nancy Rodriguez

Linda M. Lopez, NM Senate Dist. 11

Grace Ortiz y Pino - Dist 12

Antoinette Sedillo Lopez

Liah Correa Thompson

Shannon D. Pinto - D3

Martin Hickey, MN

Leo Juarez

Carrie Hamblen

Brenda S. McKenna, Senate District 9

Nancy Rodriguez

Thank you very much for your consideration of our request. We look forward to your response in this most important issue.

Respectfully yours,

Winston Soules, Senator

Tara L. Hujan, Rep. HD48

Senator Phil O'Brien

Senator Dan O'Brien

Sen. Phil O'Brien

Senator Liz Snyder

Senator Mitt PFK

Senator Bill Tallman

Receipt for the delivery of a nine page document from New Mexico Legislators to the Honorable Raul Torrez Attorney General of the New Mexico Department of Justice requesting an investigation.

By Michael Rivera Date 2/16/24

New Mexico Department of Justice
408 Galisteo Street
Vilagra Building
Santa Fe, New Mexico

