



State of New Mexico
House of Representatives
STATE CAPITOL
Santa Fe

December 2, 2025

The Honorable Ryan Ellison
Acting United States Attorney
District of New Mexico
201 3rd Street NW, Suite 900
Albuquerque, New Mexico 87102

Dear Mr. Ellison:

In February 2024, 63 bipartisan state legislators requested the New Mexico Attorney General conduct an immediate investigation of the state Developmentally Disabled (DD) waiver program to determine whether program recipients' health and well-being were priorities of the New Mexico Health Care Authority. These developmentally disabled individuals are some of the most vulnerable people in our state, and it's essential the DD waiver program provide these individuals with a well-functioning program that protects their rights, as well as services their daily needs.

Unfortunately, the New Mexico Attorney General has refused to act on the State Legislature's request over the past 20 months despite the bipartisan outcry for a review. We are extremely disappointed in the New Mexico Attorney General's lack of action in this important matter as the request asked for a report on the investigation be provided to the Legislative Interim Health and Human Services Committee on or before November 1, 2024. Sadly, no such report was ever issued by the Attorney General's Office.

Please see the attached letters signed by both Republican and Democrat members of the Legislature that outlined five specific areas where an immediate investigation was warranted.

Since the New Mexico Attorney General has taken no action to investigate our DD waiver program, we are asking that your office conduct an immediate federal investigation into this most important program. We believe your office has the proper jurisdiction to conduct this investigation as the DD waiver program is funded with more than 70 percent federal dollars and is subject to federal laws and regulations that we are concerned may be being violated by the State of New Mexico.

New Mexico's DD waiver program has a long history of problems, including a long-standing waiting list, insufficient number of providers, and the lack of financial support for family caregivers. While some progress has recently been made to address these problems, the

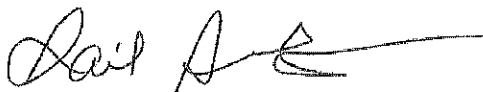
involvement of the U.S. Attorney's Office in conducting a federal investigation of the program would send a strong signal to the Health Care Authority's staff, service providers, family caregivers, and program recipients that essential services must be provided and those with developmental disabilities must be treated with the utmost respect. Plus, an investigation by your office would help ensure recipients receive the supports and services they are supposed to receive under federal law and regulations when they qualify and are placed in the DD waiver or alternative intermediate care facility.

To assist your office in conducting this investigation, we suggest your staff contact the following individuals who have knowledge and experience in this issue:

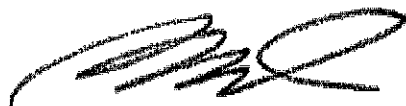
- Jason Cornwell, Former Developmental Disability Services Division Director 505-271-2433
- Bruce Wetherbee, editor of The Candle Publishing 505-501-1570
- Mark Johnson, Former director of ADCP, the DD Waiver providers group 505-450-5672
- Mike Kivitz, former CEO of DD waiver provider agency Adelante 505-269-5964
- Lisa Sisneros Brow, DD Waiver Speech Language Pathology Provider 505-228-2952
- Robert Kegel, Developmental Disability Parent Advocate 505-670-4337
- Dr. Daniel Taggart, Developmental Disability Parent advocate 575-302-2880
- Peggy O'Neil, DD Waiver service provider 575-430-1654
- Kristy Shoaf, DD Waiver Occupational Therapy provider 575-491-6066
- Tracy Perry, CEO of DTS --- a DD waiver therapy provider 575-466-9078
- Danny Palma, Owner of DTS --- a DD waiver therapy provider 575-644-33919
- April Licon, DD waiver provider and defendant In Golden v Quality Life 575-932-9520
- Sandra Alba, Investigator, U.S. Department of Labor, El Paso Office 915-202-4407
- Sarah Martinez, Owner of Peak Developmental Services, DD Waiver case management 505-604-4717
- Michelle Patterson, DD waiver case manager and former DDSD employee 505-644-9762
- Nancy Simmons, Attorney for the plaintiff in MG v Kari Armijo (505) 232-2575

Thank you for considering our request for a federal investigation.

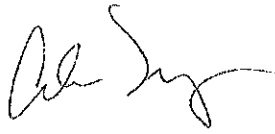
Respectfully yours,



Gail Armstrong
House Republican Leader
District 49



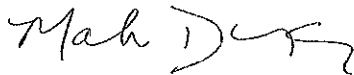
Rebecca Dow
House Republican Caucus Chair
District 38



Alan T. Martinez
House Republican Whip
District 23



Andrea Reeb
State Representative
District 64



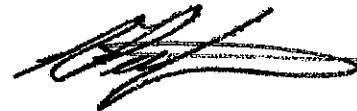
Mark Duncan
State Representative
District 2



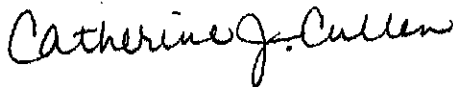
Luis Terrazas
State Representative
District 39



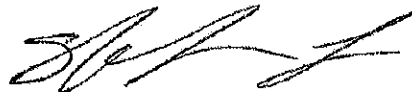
Cathrynn N. Brown
State Representative
District 55



Randall T. Pettigrew
State Representative
District 61



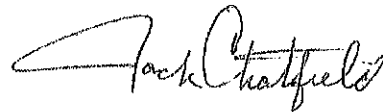
Catherine J. Cullen
State Representative
District 57



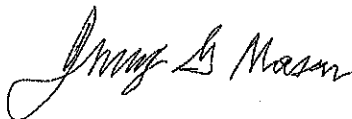
Stefani Lord
State Representative
District 22



Brian G. Baca
State Representative
District 8



Jack Chatfield
State Representative
District 67



Jimmy G. Mason
State Representative
District 66

Jonathan A. Henry
State Representative
District 54



Elaine Sena Cortez
State Representative
District 62



Nicole Chavez
State Representative
District 31



Angelita Mejia
State Representative
District 58



Rod Montoya
State Representative
District 1



Jenifer Jones
State Representative
District 32



Joshua N. Hernandez
State Representative
District 60



Willaim A. Hall II
State Representative
District 3



John Block
State Representative
District 51



Martin R. Zamora
State Representative
District 63



Mark B. Murphy
State Representative
District 59



Tanya Mirabal Moya
State Representative
District 7



Harlan Vincent
State Representative
District 56

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cc: Inspector General of the U.S. Department of Health and Human Services

Enclosures