

Know Your Rights Campaign!!

On January 16, 2014, the Centers for Medicare & Medicaid Services (CMS) published a Final Rule which makes changes to the Home and Community-Based Services (HCBS) waiver program. In NM, this includes everyone on the Developmental Disabilities Waiver, the Mi Via Waiver, the Medically Fragile Waiver and the Centennial Care Demonstration Waiver. This is the most exciting change to the waivers in 20 years!!!

The CMS Final Rule wants to make sure you (the waiver participant, in consultation with the guardian as applicable) are included in your community. What does this mean?

- You have the right to be part of the community where you live, work, and you determine who you connect with to provide you support. This Rule says you can choose where you live, who you live with, how you live, how you spend your days, and who you spend your days with. This includes choosing who provides services to you.

What do your rights look like at your house, your job and in your community?

- You choose where you live, decorate your space the way you want to, and work and participate in activities based on your needs and preferences.
- You exercise the right to privacy, dignity and respect, freedom from restraint.
- You eat your meals and have visitors when you want to – anytime day or night.
- You are supported to take initiative, be independent, and make choices about your daily activities, the people you spend time with, and your daily environment.
- You either have your own business; you are working at a job in the community with all kinds of different people or you are at school with your peers.
- You are supported to make friends and connections in the community to help you achieve your dreams and goals.

Transition Plan Timeline:

The timeline for all states including New Mexico to achieve full compliance with the HCBS Final Rule is March 17, 2019. While we are making these changes you will not lose services you are receiving now, but you may be offered a change in setting. Any changes the state makes must maintain or improve the services you receive. You and your selected providers will discuss whether the settings you currently spend time in meet the requirements of the Final Rule. If some changes need to be made, you will be the person making the choices you want to make your life better.

The Know Your Rights Campaign Steering Committee: NM Allies for Advocacy, ARC of NM, NM Autism Society, Developmental Disabilities Planning Council, Disability Rights NM, DOH Developmental Disabilities Support Division, Gov. Comm. on Disabilities, Human Services Dept., Parents Reaching Out and UNM/Center for Development and Disabilities