



March 13, 2015

Dear Friends and Colleagues:

As you may know, about a year ago Disability Rights New Mexico and The Arc of New Mexico, along with eight individuals with disabilities and their families, filed a lawsuit challenging the reductions in services to persons on the DD waiver program. These reductions were being imposed as a result of the way the Department of Health was using a new assessment tool, the Supports Intensity Scale (SIS). The lawsuit also challenged the lack of due process afforded to the participants who were experiencing these reductions and whose families and guardians wanted to appeal them.

Randy Costales, the Executive Director of the Arc and I are happy to report to you that federal District Court Judge Judith Herrera has just issued a preliminary injunction in the Plaintiffs' favor. This court order requires the state to restore all services that had been reduced due to the improper use of the SIS, for all persons in the DD waiver program. Once that occurs, if the state once again proposes to reduce or terminate benefits or services by setting a cap on a participant's budget based on his or her SIS score, the individual and their family or guardian would have to be provided clear notice of the proposed changes and a meaningful opportunity to challenge the reductions in an administrative fair hearing that complies with constitutional requirements.

Attached is a copy of Judge Herrera's two-page order, as well as a brief summary of the much more extensive memorandum opinion issued by the court that serves as the legal basis of the ruling.

We believe that this court order is a significant victory for persons with developmental disabilities and their families. I would be glad to respond to any questions you may have.

Sincerely,
Jim Jackson, Executive Director
Disability Rights New Mexico