

# The Advocate

A QUARTERLY PUBLICATION OF **DISABILITY RIGHTS NEW MEXICO** DRNM.ORG

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**Welcome to the Spring issue of The Advocate.** Our goal is to provide you with the latest news and information on disability rights advocacy, both in New Mexico and on the national level. **The main theme of this issue is “We want to hear from you!”**

## **DRNM Seeks Input from the Disability Community on Health Care Reform and Health Insurance Exchanges**

The federal health care reform law (the Patient Protection and Affordable Care Act, or ACA) is designed to expand and improve health coverage for Americans. One of the things the ACA requires is a Health Insurance Exchange to help people find and sign up for coverage.

DRNM wants to make sure that New Mexico's Exchange meets the needs of people with disabilities. We're working with the state's Office of Health Care Reform and will provide them with information and recommendations. Can you take a few minutes to complete our survey? This will help us reflect the needs of a broad cross-section of the disability community, and guide our continuing advocacy efforts on behalf of New Mexicans with disabilities.

To add your input on health care reform and the development of health care exchanges in New Mexico, go to [www.drn.org](http://www.drn.org) and click on our link to Survey Monkey. It's fast and easy.

**See our back  
page for details  
on how you can  
become a  
DRNM Supporter**

The information you provide will be given to the state Office of Health Care Reform. (All information will be reported anonymously). Your input will also help DRNM in our ongoing advocacy work on behalf of New Mexicans with disabilities.



## Disability Issues in New Mexico

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### Medicaid Re-Design Moving Forward

HSD has entered into a \$1.7 million contract with the consulting group Alicia Smith and Associates to implement a complete re-design of the entire Medicaid program. According to HSD, the re-design plan proposed by the contractor and accepted by HSD would restructure virtually the entire program as one giant waiver program. This would combine the current Salud managed physical health care, behavioral health managed care, the home and community-based waiver programs, PCO and just about everything else into one big program. HSD promises to solicit public input, but the concept for the restructuring seems to be in place already. For more information, go to the HSD web site [www.HSD.state.nm.us](http://www.HSD.state.nm.us) and click on the links in the “What’s New at HSD” section. The Disability Coalition has expressed its concerns over moving so quickly to implement a plan that was developed without public or legislative input; [click here](#) to see the Coalition’s letter.

### CMS Proposes Changes To HCBS Waiver Regs

CMS – the federal Medicaid agency - has issued proposed new regulations for home and community-based waiver programs, such as New Mexico’s Developmental Disabilities waiver and the CoLTS-C (Disabled and Elderly) waiver. The proposed new rules would assure that there is a strong role for waiver participants in planning the services to be provided, that services are provided in inclusive settings in a non-institutional manner, and that state agency requests for amendments to waiver programs are subject to meaningful public input prior to submission. **DRNM encourages you to support them.** For information, including instructions on how to submit comments, [click here](#). The deadline for CMS to receive comments is June 14, 2011.

### Proposed PCO Regs Cut Services

A new assessment form proposed for use in the PCO attendant care program would result in significant reductions in the amount of services that participants receive. The cuts in hours of service would typically be in the range of 25% – 40%. Around 15,000 New Mexicans rely on PCO attendant care services to live and participate in their communities and avoid going into nursing homes. [Click here](#) to see a copy of comments submitted by DRNM in opposition to this drastic cut and criticizing the Human Services Department for concealing the extent of the cuts when it announced the proposal. Final action on the proposed change has not yet been taken by HSD.

### What Disability Issues Should DRNM Focus on in the Next Year?

It’s time to provide your annual feedback to DRNM as we enter our FY12 priority development cycle. There is a direct correlation between the results of our public input survey and the final product in this process, our FY12 Priorities & Objectives. What are the most important issues for people with disabilities in New Mexico? [Click here](#) to access and download our public input survey, or go to page seven to download and print a copy for mailing. Send your survey responses to: **Disability Rights New Mexico, 1720 Louisiana Blvd., NE. Suite 204, Albuquerque, NM 87110.**

## On Special Education

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### NM PED Conducts Audit of School Districts and Finds Discrepancies

Auditors from the New Mexico Public Education Department (PED) have poured through 10,000 files from 34 school districts as part of an unprecedented audit to ensure accurate reporting in enrollment.

“This audit is about transparency for our taxpayers and appropriate services for our students,” said Secretary designate Hanna Skandera. “What we found in this audit is what we expected to find. Many of the districts had legitimate numbers with only a few small, understandable errors. However, we also found large, systemic problems that we need to examine further.”

Based on a review of records and additional accountability measures established by the Department’s auditing team, 4 school districts were cited for major compliance issues not consistent with State or Federal law. These districts also may have misidentified special education students, failed to follow Federal law on the transition of young children from IDEA Part C Early Intervention to Part B special education preschool services, showed unusually high rates of ancillary services provided or not provided to children despite receiving dollars for the services from the State. These districts include:

- Cimarron
- Dulce
- Santa Fe
- Tucumcari

Nine school districts were identified as needing a more intensive and expansive audit to determine the extent of their infractions. In addition to the major compliance issues identified above, in many cases, these districts exhibited severe data quality issues or could not verify data reported to the Department, could not validate records and provider service logs, could not verify students were receiving services, showed unusually high rates of ancillary services provided, overbilled the state for services provided or showed unusual trends needing additional review. The 9 districts cited for further auditing are:

- Alamogordo
- Cobre
- Espanola
- Gallup
- Grants
- Las Cruces
- Melrose
- Pojoaque
- Taos

Find out more about this and other education issues on the New Mexico Public Education Department website: <http://ped.state.nm.us/>

## Bulletin Board

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On April 22, 2011, the **Aging and Long Term Services Division** published a lengthy newsletter about new services available in the **Mi Via** program. For more information, go to <http://www.mivianm.org/docs/pdf/Mi-Via-newsletter-Apr-22-2011-FINAL.PDF>.

The Equal Rights Center (ERC) is a national, non-profit civil rights organization that promotes equal opportunity in a variety of areas, including disability rights. The ERC has obtained information that people with disabilities may be encountering barriers to accessibility at **T.J. Maxx, Marshalls, and HomeGoods**.

If you have personal knowledge about issues of accessibility at any T.J. Maxx, Marshalls, or HomeGoods location, or know of someone who does, please contact the Equal Rights Center at 202-234-3062 and speak with one of their disability rights specialists, or email ERC at [www.equalrightscenter.org/complaints](http://www.equalrightscenter.org/complaints).

There is a great new resource for special education advocates in the Taos area. Check out the **Northern New Mexico Special Education Advocacy** website at [www.nnmsea.org](http://www.nnmsea.org).

On June 18, 2011, the **New Mexico Chapter of the National Tourette Syndrome Association** will present an introduction to **Comprehensive Behavioral Intervention for Tics (CBIT)**, an approach to controlling tics that does not involve medication. Many families in New Mexico have expressed an interest in CBIT, but there are no practitioners in the state with this specialized training. Find out more at the **New Mexico Chapter website**: [www.tsanm.org](http://www.tsanm.org).

**The Arc of New Mexico's** annual **Summit on Social Equality** will take place on June 17-18, 2011, at the Albuquerque Hilton hotel. For more information, go to: <http://arcnm.org/2011/06/2011-summit-on-social-equality/>.

**The New Mexico Aging and Long Term Services Department** presents its **33<sup>rd</sup> Annual Conference on Aging** on August 23-24, 2011 at the Hard Rock Hotel and Casino Conference Center. This year's theme is "**A Diverse Community: Exploring Options, Expanding Horizons.**" Go to <http://www.nmaging.state.nm.us/CoA/2011COARegistrationPacket.pdf> for more information and a registration packet.

**Disability Rights New Mexico (DRNM)** invites you to a **Public Input Session** to provide your comments and suggestions on the most critical disability issues facing New Mexicans with disabilities and their families today. Public input session is on June 21, 2011, from 4:00-6:00 p.m., at The Center for Development and Disability (UNM) Conference Room, 2300 Menaul Blvd NE, Albuquerque, NM. ASL interpreters will be provided. If you have any questions, please call DRNM at (505) 256-3100 or go to our website at [www.drnmm.org](http://www.drnmm.org). Refreshments will be provided and all attendees will be entered into a drawing for a gift card.



### Disability Rights New Mexico At Work...

A woman contacted DRNM to challenge a determination by Amerigroup that she was only eligible for 27 hours of Personal Care Option (PCO) Services. Amerigroup reduced the woman's hours based on her request to receive her services *5 days per week instead of 7 days per week*. Our client requested a fair hearing and DRNM filed a notice of appearance. As the staff attorney learned more about our client's case, it became clear that the Mi Via Waiver - which permits much more client control over the delivery of services - was a more appropriate program. DRNM helped with the transition to the Mi Via Waiver and our client began to receive *the services she wanted, on the days she preferred*. The DRNM attorney also obtained a waiver of any future claim by the State of New Mexico or Amerigroup for repayment of the continuation benefits received while her hearing was pending. The request for a Fair Hearing was withdrawn as our client's objectives were met.

A high school student asked DRNM about the school's lack of physical access and noncompliance with the Americans with Disabilities Act. The student's disability can cause his bones to break very easily. He uses a power wheelchair to roll to class across the school campus. The student's family had requested physical accommodations for approximately 2 years, with little response from the high school. A DRNM staff attorney toured the site with our client and requested an onsite review by an access specialist with the Governor's Commission on Disability (GCD), who visited the high school and prepared a written report. The GCD's report was sent to the high school, the family, DRNM and the Albuquerque Public School system's ADA coordinator. It has taken several months, but all but one of the access requests is completed. The high school campus is now safer for students with disabilities who use wheelchairs.



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### Ways To Support DRNM's Work

- Join Our **Annual Campaign** at your level of choice.
- Make a donation in honor or in memory of a loved one.
- If there is a United Way Campaign at your workplace, you can designate DRNM as the recipient of your donation.
- DRNM is registered with [www.guidestar.org](http://www.guidestar.org), a donor support services website with donation capability.

Donate via our PayPal Account or by Your Credit Card:

**Thank you for your support!!**





## On the National Front

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From the Disability Scoop  
[www.disabilityscoop.com](http://www.disabilityscoop.com)

### Technology to Replace Caregivers Under Medicaid-Approved Plan

A new program will offer people with developmental disabilities the option to have remotely monitored cameras installed in their homes as an alternative to traditional in-person supports.

### Scientists Find Commonalities Among Autistic Brains

The brains of individuals across the autism spectrum are strikingly similar to each other, yet they look dramatically different from those of typically developing people, researchers say.

### Max From NBC's 'Parenthood' Talks Asperger's

'Parenthood' actor Max Burkholder opens up about playing a character with Asperger's on the drama, which focuses on autism more than any other show on TV.

### Special Education Hard Hit By Economy, Poll Finds

Special educators say budget cuts are forcing larger class sizes, layoffs and other changes that compromise students with disabilities, according to a first-ever survey.



### Albuquerque:

#### Disability Rights New Mexico

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Suite 204

Albuquerque, NM 87110

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Statewide Toll-free:

1-800-432-4682

Email: [info@drnm.org](mailto:info@drnm.org)

Web: [www.drnm.org](http://www.drnm.org)

### Las Cruces:

#### Disability Rights New Mexico

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The Advocate is published quarterly  
by Disability Rights New Mexico

Volume 1 Number 2

Spring 2011

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## What are the Needs of People with Disabilities in New Mexico?

Disability Rights New Mexico (DRNM) is an independent, private non-profit agency which protects and promotes the human and civil rights of people with disabilities. Every year we focus our work based on public input from the community. The major issues that guide our work are:

- Decrease the **abuse** and **neglect** of people with disabilities
- Ensure that **publicly-funded programs** provide services that meet the needs of people with disabilities. Examples: Mi Via, the Medicaid waivers, long-term and managed care and public housing
- Improve services for people with disabilities in **jails, prisons, detention facilities** and **psychiatric hospitals**
- Ensure that students with disabilities receive appropriate services and are not **excluded** from **special education programs**
- Ensure that people with disabilities receive the services and supports they need from **Division of Vocational Rehabilitation (DVR)** to return to work or obtain a job
- Preserve and expand **Medicaid** health care programs
- Promote the creation and expansion of community-based **mental health crisis services**
- Ensure that people with disabilities have the **right** to make their own **choices and decisions**

***We need your help! What do you think we should work on?***

Please list the top 3 issues that are most important to you: \_\_\_\_\_

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Please tell us about you: (optional)

- I am a person with disability (please specify) \_\_\_\_\_
- I am family member of a person with a disability (please specify) \_\_\_\_\_
- I am a service provider to persons with disabilities (please specify disability area)

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*If you would like more information about DRNM and its mission/services, please call (505) 256-3100 or 1-800-432-4682 or visit our website at [www.drnmm.org](http://www.drnmm.org)*

## Become a Disability Rights New Mexico Supporter Today!



Your tax-deductible donation to DRNM will enable us to continue our advocacy work on behalf of New Mexicans with disabilities and their families. DRNM advocates for the most critical human, legal and civil rights issues of our time. Join our annual campaign and help us lead the way toward access for all. Each donation level includes special recognition and a subscription to our e-newsletter and calls to action:

- | For:                     | You Receive:  |
|--------------------------|---|
| ___ \$1000 Groundbreaker | ▪ Acknowledgement on the Wall of Fame in the DRNM office, on our web site and in our e-newsletter     |
| ___ \$500 Trailblazer    | ▪ Acknowledgement with a DRNM donor appreciation plaque, on our web site and in our e-newsletter      |
| ___ \$250 Legal Eagle    | ▪ Acknowledgement with a DRNM donor appreciation paperweight, on our web site and in our e-newsletter |
| ___ \$100 Advocate       | ▪ Certificate of Appreciation and acknowledgement on our web site and in our e-newsletter             |

Add a dedication (circle): On behalf of      In honor of      In memory of  
Individual's name: \_\_\_\_\_

**All donations to DRNM are welcomed and appreciated.  
Every donor receives a subscription to The Advocate  
as well as our periodic Calls to Action and Legislative Reports.**

I support the work of Disability Rights New Mexico and would like to make a donation of  
\$ \_\_\_\_\_

I wish to remain anonymous: \_\_\_\_\_

Your Contact Info Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_ Phone: (H) \_\_\_\_\_ (Cell) \_\_\_\_\_

You can make a donation directly on our website <http://bit.ly/e7Alf1> via PayPal or a credit card, or mail this form to Disability Rights New Mexico, 1720 Louisiana Blvd., NE, Suite 204, Albuquerque, New Mexico 87110.

**Thank you for supporting the work of DRNM!**