



The Arc™

Monthly Memo
New Mexico
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www.arcnm.org

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The mission of The Arc of New Mexico is to improve the quality of life for individuals with developmental disabilities of all ages by advocating for equal opportunities and choices in where and how they learn, live, work, play and socialize. The Arc of New Mexico will promote self-determination, healthy families, effective community support systems and partnerships.

1. Maintain Services

Issue: Medicaid continues to be the crucial source of funding for people with disabilities that allows them to live in their communities with the supports and services they need. Any reduction in the state appropriation or even a failure to appropriate sufficient dollars will result in a loss of services and a corresponding reduction in the individual's quality of life.

Position: Maintain current services for individuals with developmental disabilities and their families.

2. Waiting List

Issue: Individuals with developmental disabilities continue to apply for services and then be placed on a waiting list (called the Centralized Registry by the Department of Health). People should not have to wait for services that are important to their ability to live and participate in their communities in a safe and fulfilling manner. 6300 or more individuals (un-served and underserved) are on the waiting list for developmental disabilities services with a wait time of up to ten years.

A. Position: Protect the current DD Waiver appropriation and add new dollars to serve more people.

B. Position: Protect the state general funded programs and add new dollars to serve more people.

C. Position: Support legislation arising from the Senate Memorial 20 (Developmental Disabilities Service Waiting Time) report recommendations.

3. Guardianship Services

Issue: The funding for legal assistance and training for families seeking guardianship of a family member is not adequate to meet the need. Furthermore, the funding for corporate guardianship services no longer meets the need and a waiting list for services exists.

Issue: At the time of death of the protected person, guardians find themselves without the authority to wrap a protected persons affairs including, paying bills and arranging for burial.

A. Position: Support the Developmental Disabilities Planning Council's requested budget.

B. Position: Support any legislation arising from the Senate Memorial 94 (Guardianship and Conservator Working Group) report recommendations

For more information contact Doris Husted, Director of Public Policy
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Vareck Tsosie
Shiprock, New Mexico
San Juan County

Vareck is a 19 year old with Down syndrome. Vareck has been on the DD Waiver waiting list for 9 years. Vareck attend Grant High School, SASI Shiprock Associated School Incorporated in Shiprock. Vareck loves to dance, watch movies, do puzzles, likes toys, loves to read, watch basketball games and is very sociable. His favorite character is Batman.

Currently Vareck is in school and receives very little services. There is limited one on one support. The school is telling MS Tsosie, Vareck's mom that she may have to pay for services. The school is teaching Vareck some work skills. Vareck needs help to live more independently. He will always need support in all areas.

The DD Waiver would provide needed services, at home, technology and communication devices. The DD Waiver will help support Vareck to get the adequate related service, paid caregivers who really care about him and want Vareck to succeed. He would need a case manager guiding his services.

Please look at the services for people with disabilities and the funding that is really needed in the community and schools. This is especially true in the rural areas. Housing for Vareck is very important.

Senate Memorial 20 (SM20), introduced by Senator William Soules (D-Dona Ana) during the legislative session, requests the Department of Health (DOH) to establish a subcommittee of the Advisory Council on Quality (ACQ) to identify strategies to:

1. Decrease the time between placement of the Central Registry and access to services offered by the DOH Developmental Disabilities Supports Division (DDSD) to not more than three years by state fiscal year (FY) 2018 (July 1, 2017).
2. Re-examine the statewide allocation formula to ensure regional allocations are made equitably and consistent with the ruling under *Lewis v. NM DOH (2001)*.
3. Submit recommendations to the ACQ and DDSD to act upon within authority and funding appropriated by the Legislature for this purpose.



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4. Submit a report to the Secretaries of the Departments of Health and Human Services (HSD), and to the interim Legislative Health and Human Services Committee (LHHS) and the Legislative Finance Committee by October 1, 2013. The report must address: a) what would be needed to accomplish the goal state in #1 above, including effective use of current programs and resources, b) critical components for success with detailed action steps, c) potential obstacles, and d) projection of additional resources needed.

Individuals and groups named in SM20 that participated in the Task Force included: individuals with developmental disabilities and their families and/or guardians; State agency representatives from DOH DDSD and the Division of Health Improvement; Developmental Disabilities Planning Council (DDPC), HSD Medical Assistance Division (MAD); and, subject matter experts from the University of New Mexico, Health Sciences Center, Center for Development and Disability. Service providers, case managers, and advocacy organizations were also represented.

SM20 was introduced by Senator Soules in response to the intense attention given to the length of time individuals were waiting for services. Senator Soules introduced this Memorial to try to develop a plan for better use of resources and to reduce the time people wait for services. The Task Force agreed on a set of Values to use as they considered the recommendations for the SM 20 report. These Values are:

Leadership	Choice/Self-determination
Communication	Increasing Independence
Teamwork	Inclusion
Respect	Sustainability
Health and Wellness	

Department of Health staff applied the Results-Based Accountability (M. Friedman, *Trying Hard Is Not Good Enough*) framework, a Quality and Results Management model, to draft information for the Taskforce work and to guide the process of developing recommendations.

The DDSD Intake and Eligibility Bureau receives approximately 1,000 registrations for DD Waiver and other services each fiscal year. Of these applications, approximately 300 are confirmed to match the definition for developmental disabilities in the approved DD Waiver application. In every fiscal year in which fewer than 300 individuals are allocated into DD Waiver services, the size of the Central Registry grows larger and the lengths of time individuals wait increases.

In order to improve DD services wait time, the Taskforce made the following recommendations:

1. Expand the Developmental Disabilities Home and Community-Based Medicaid Waiver. This is essential to reducing the waiting time. The rate of attrition and a reduction of the budgets of individuals currently on the DD waiver cannot begin to meet the needs of people waiting; and, therefore, address the intent of this Memorial to reduce the time spent waiting for services.
2. Increase attractiveness of the Mi Via Home and Community-Based Medicaid Waiver.
4. Improve Intake, Information, Referral and Community Navigation; and,

4. Expand and Redesign the State General Fund Program into a Flexible Supports Model.

Significant challenges must be overcome for the Taskforce recommendations to be carried out. Probably the most challenging among them are: 1) additional appropriations, 2) provider and state infrastructure, and 3) workforce gaps.

To read the full report go to <http://nmhealth.org/opa/documents/NMDOH-OPA-Memorial-20-EN.pdf>.

The U.S. Supreme Court recently agreed to hear a case on the definition of intellectual disability for purposes of the death penalty. The case, Hall versus Florida, involves a 68 year old man who has been on death row for 35 years.

Freddie Lee Hall was convicted of killing a young woman from Leesburg, Florida. Hall's co-defendant, who ultimately received a life sentence, was the actual shooter. Hall testified that he did not intend the victim's death, and that he also tried to dissuade his co-defendant from beating and killing the victim, and, once caught; he took the police to the body and voluntarily admitted his involvement.

Hall was the sixteenth of seventeen children, and in affidavits made part of court proceedings, his siblings "paint[ed] a stark portrait of a childhood filled with abject poverty, constant violence, and unbearable brutality." "Hall's school records reflect his mental deficiencies. His teachers in the fourth, sixth, seventh and eighth grades described him as mentally retarded. His fifth grade teacher stated that he was mentally maladjusted, and still another teacher wrote that 'his mental maturity is far below his chronological age.'"

Numerous expert evaluations have documented Hall's mental impairment. One psychologist's examination found organic brain dysfunction; severe cognitive impairment, possibly due to repeated head trauma; neuropsychological testing showing severe brain impairment; with moderately abnormal EEG results. A distinguished psychiatrist found that Hall is chronically psychotic, brain damaged, and has severe learning disabilities which are compounded by his use of drugs and alcohol, and has a distinct speech impediment. She also reported that he suffered violent child abuse, has organic brain damage and is paranoid.

Unfortunately, Florida law protects only those defendants who have an IQ score below 70 from the death penalty. This is inconsistent with the clinical definition of intellectual disability that has been universally accepted by educators, advocates, doctors, and others in the field of disability services.

Florida's death penalty law prohibits the evaluation of other vital facts about a person's diagnosis if there doesn't happen to be an IQ score below the arbitrary line of 70. Most other states allow consideration of those factors when evaluating a person, whether the decision is about special education, or appropriate services, or the criminal justice system.

As advocates for people with disabilities, we know that no single score on an IQ test can truly define whether a person has an intellectual disability. Errors in measurement, testing conditions, and many other factors can distort an individual's IQ score. All such factors must be evaluated in deciding on a diagnosis, particularly in a case involving life or death. All individuals with intellectual disability must be protected from execution.

The Arc of New Mexico has a Statewide Advocacy Network that includes:

- 🕒 Carmen Garcia – Metro Office, cgarci@arcnm.org
- 🕒 Priscilla Salinas – Southern NM Office in Anthony, psalinas@arcnm.org
- 🕒 Vicki Galindo – Grant County Home Office (Silver City), vgalindo@arcnm.org
- 🕒 Bernadette LeRouge – Santa Fe Home Office, blerouge@arcnm.org
- 🕒 Dolores Harden – The Arc of San Juan County, thearc@arcsanjuancounty.org

We are currently looking for individuals in eastern New Mexico communities who are interested in working part-time from their homes as advocates. Advocates provide support to individuals and family members in a variety of ways including information, training, and networking. If interested send your resume to rcostales@arcnm.org.

Achieve with us.

Do you believe in the Mission and support the Work of The Arc? Show your support by becoming member of The Arc. Membership is free and for a lifetime. Go to www.arcnm.org and click on Member Registration icon.

The Arc of New Mexico depends on public donations to sustain our work. You can make a one-time gift or a recurring gift. [Make a donation now](#) to support our mission to benefit all individuals with intellectual and developmental disabilities and their families in New Mexico.

A memorial gift is a beautiful and lasting tribute for a loved one or to a family as an expression of sympathy. Family and friends can be recognized with a gift in their honor. This might be for a special occasion such as a birthday, anniversary, holiday, wedding, retirement, etc.

Visit www.arcnm.org to make an on-line donation. Your support is greatly appreciated

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