

**NEW MEXICO DEPARTMENT OF HEALTH
DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION (DDSD)**

DIRECTOR’S RELEASE (DR) #16.04.01

EFFECTIVE DATE: April 1, 2016

Signature Date:	April 1, 2016
FROM:	Cathy Stevenson, DDSD Director (<i>Signature on File</i>)
TO:	Living, Day, Employment and Case Management providers DDSD staff
SUBJECT:	Jackson Remedial Plan and Implications for Providers and DDSD Staff related to Supported Employment

Background:

On April 3, 2015, Honorable Judge Parker issued a final order on the Jackson Remedial Plan. The Remedial Plan consists of 3 focused areas for disengagement: Health, Safety and Supported Employment. These requirements are termed “Evaluative Components,” or “ECs.”

Many of the activities ordered in the plan are already part of current services, but need to be documented and demonstrated to the Court in order to disengage from court oversight. Other requirements reflect work that will be done directly by NMDOH staff.

However, there are also new requirements that the Department must assure that Class Members are receiving from community providers in order to demonstrate substantial compliance and ultimately end the court oversight in the Jackson litigation.

This Director’s Release establishes new programmatic and monitoring requirements related to Supported Employment. Separate Director’s Releases will address health-related issues and safety issues.

Supported Employment

The following is a new Supported Employment requirement and will be monitored for compliance:

The JCM’s team must meet within ten (10) days of a JCM’s life change to take appropriate actions to minimize a disruption in the JCM’s employment.

The following areas in Supported Employment will be monitored for compliance with the April 3, 2015 order and current requirements in New Mexico Administrative Code (NMAC), Title 7, Chapter 26, Part 5:

- 1) Each JCM's ISP must be updated with a current and accurate employment plan, including information about the JCM's employment goals and whether the JCM wishes to work, has skills for existing work, seeks traditional or nontraditional work, and has the guardian's consent to work.
- 2) There must be a system in place to minimize the disruption to a JCM's employment when a JCM suffers a "life change" (hospitalization, significant health status change, relocation to another city, loss of employment).
- 3) Any life change for a JCM must be documented in appropriate forms, including Case Management Site Visit Forms, Provider Quarterly Reports, IDT Meeting minutes and the ISP.
- 4) Provider agencies must use the required QA/QI agency plan in regards to ISP implementation specific to Supported Employment.

NMAC, Title 7, Chapter 26, Part 5 states:

- H. The IDT shall be convened to discuss and modify the ISP, as needed, to address:
- (1) a significant life change, including a change in medical condition or medication that affects the individual's behavior or emotional state;
 - (2) situations where an individual is at risk of significant harm. In this case the team shall convene within one working day, in person or by teleconference; if necessary, the ISP shall be modified accordingly within seventy-two (72) hours;
 - (3) changes in any desired outcomes, (e.g. desired outcome is not met, a change in vocational goals or the loss of a job);
 - (4) the loss or death of a significant person to the individual;
 - (5) a serious accident, illness, injury or hospitalization that disrupts implementation of the ISP;
 - (6) individual, guardian or provider requests for a program change or relocation, or when a termination of a service is proposed; the DDS's policy no. 150 requires the IDT to meet and develop a transition plan whenever an individual is at risk of discharge by the provider agency or anticipates a change of provider agency to identify strategies and resources needed; if the individual or guardian is requesting a discharge or a change of provider agency, or there is an impending change in housemates the team must meet to develop a transition plan;
 - (7) situations where it has been determined the individual is a victim of abuse, neglect or exploitation;
 - (8) criminal justice involvement on the part of the individual (e.g., arrest, incarceration, release, probation, parole);
 - (9) any member of the IDT may also request that the team be convened by contacting the case manager; the case manager shall convene the team within ten (10) days of receipt of any reasonable request to convene the team, either in person or through teleconference;
 - (10) for any other reason that is in the best interest of the individual, or any other reason deemed appropriate, including development, integration or provision of services that are inconsistent or in conflict with the desired outcomes of the ISP and the long term vision of the individual;

(11) whenever the DDS D decides not to approve implementation of an ISP because of cost or because the DDS D believes the ISP fails to satisfy constitutional, regulatory or statutory requirements.
[7.26.5.12 NMAC - Rp, 7 NMAC 26.5.12, 10/01/06]