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HOUSE JOINT MEMORIAL 36

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Rick Miera

A JOINT MEMORIAL

REQUESTING THE OFFICE OF THE NEW MEXICO LONG-TERM CARE
OMBUDSMAN PROGRAM TO CONVENE A WORKING GROUP TO MAKE
RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE REGARDING
THE EXPANSION OF THE NEW MEXICO LONG-TERM CARE OMBUDSMAN
PROGRAM TO SERVE PERSONS RECEIVING CARE AND SERVICES AT HOME.

WHEREAS, the number of New Mexicans over age sixty-five is rapidly increasing and is projected to increase by nearly fifty percent in the next ten years; and

WHEREAS, from 2005 to 2009, the aging and long-term services department stated that the number of New Mexico residents receiving home and community-based services increased by four hundred forty percent; and

WHEREAS, by 2020, twenty-eight percent of New Mexicans will be seniors and people with disabilities, individuals who

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1 are most likely to need long-term services, and by 2030, that
2 number will be thirty-five percent; and

3 WHEREAS, nearly seventy-nine percent of people who need
4 long-term care live at home or in community settings, not in
5 institutions; and

6 WHEREAS, the American association of retired persons found
7 that eighty percent of older individuals preferred to live at
8 home; and

9 WHEREAS, the money follows the person rebalancing
10 demonstration program grant, recently awarded to New Mexico,
11 could result in more people receiving care at home and expand
12 community-based alternatives to institutional long-term care;
13 and

14 WHEREAS, the tenth anniversary of the *Olmstead* decision
15 has prompted renewed commitment by the federal government to
16 support and affirm the civil rights of individuals with
17 disabilities to live independently in their communities with
18 appropriate support services put in place; and

19 WHEREAS, more than eighty-three percent of medicaid
20 spending on long-term care covers care that is provided to
21 people in their homes or in the community; and

22 WHEREAS, providing long-term services and support at home
23 and in the community saves the state money because care at home
24 is generally less expensive than care in a nursing home; and

25 WHEREAS, there is currently no advocacy program to act on

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1 behalf of people receiving home and community-based services in
2 New Mexico; and

3 WHEREAS, the New Mexico long-term care ombudsman program
4 helps consumers learn what services are available to them and
5 improves access to services; and

6 WHEREAS, the New Mexico long-term care ombudsman program
7 handles complaints over a wide range of issues facing
8 consumers, including care concerns, housing and medicaid; and

9 WHEREAS, the New Mexico long-term care ombudsman program
10 has a history of successfully resolving problems for residents
11 in long-term care facilities; and

12 WHEREAS, the New Mexico long-term care ombudsman program
13 has experience with home care advocacy through its successful
14 transition advocacy program, which assists residents with
15 moving out of the nursing home and into the community;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the office of the New Mexico long-term
18 care ombudsman program of the aging and long-term services
19 department be requested to convene a work group to study the
20 feasibility of expanding the long-term care ombudsman program
21 to independently advocate for individuals receiving services in
22 the home; and

23 BE IT FURTHER RESOLVED that the work group include
24 representatives from the department of health, the aging and
25 long-term services department, the governor's commission on

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1 disability, the veterans' services department, the Indian
2 affairs department, the medical assistance division of the
3 human services department, home health care consumers, home
4 health care consumer advocates, home care providers and the
5 managed care organizations responsible for the administration
6 of benefits to consumers receiving services at home and in the
7 community; and

8 BE IT FURTHER RESOLVED that the work group provide
9 opportunities for comments and recommendations from consumers
10 and all stakeholders that could be impacted by expansion of the
11 ombudsman services; and

12 BE IT FURTHER RESOLVED that the work group develop a
13 report with findings and recommendations; and

14 BE IT FURTHER RESOLVED that the work group present its
15 report to the governor, the legislative finance committee and
16 the interim legislative health and human services committee by
17 December 2013; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the governor, the legislative finance committee,
20 the interim legislative health and human services committee,
21 the New Mexico legislative council, the secretary of human
22 services, the secretary of health and the secretary of aging
23 and long-term services.