

Sartorius, Cady, GOV

From: Agajanian, Holly, GOV
Sent: Thursday, March 23, 2023 9:26 AM
To: Herrera, Donicia, GOV
Subject: FW: Guardian Requests/Concerns re: DDS Contract Terminations & Investigations

Holly Agajanian

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From: McCoy, AliceLiu, DDC <AliceLiu.McCoy@ddc.nm.gov>
Sent: Wednesday, March 22, 2023 1:11 PM
To: Hotrum-Lopez, Katrina, ALTSD <Katrina.Hotrum-Lopez@altsd.nm.gov>; Allen, Patrick, DOH <patrick.allen@doh.nm.gov>
Cc: Casados, Teresa, GOV <Teresa.Casados@state.nm.us>; Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>
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Pat & Katrina,

First, thank you for handling the constituent responses, Katrina. I have taken your lead and have responded in kind when asked similar questions. I will continue to refer all further questions to you.

Second, I had my monthly meeting with the guardians yesterday afternoon. As you can imagine, they are immensely concerned about the provider terminations. I have outlined their concerns and requests (underlined) below:

- (1) The guardians request that DOH extend the service provider contracts for another 30 days, at a minimum. Their protected persons (PP) are being forced to make hasty decisions that have great impact to their lives, and the current timeline does not allow their PP to make adequately informed decisions and fully exercise their freedom of choice. The guardians believe the current transition process is rushed, not sufficiently person-centered, and does not adequately ensure continuity of care.
- (2) The guardians are extremely concerned about the lack of providers, especially in rural areas. They were already facing problems finding providers prior to this incident. The guardians request much more direct assistance from DOH/DDSD in identifying providers for their PP during this transition.
- (3) The guardians request that the current investigations are conducted in a more mindful and disability-focused manner that takes into account the impact on the program participants. For example, one home had 3 visits within 2 days, which was extremely disruptive to the residents whose disabilities were greatly exacerbated by those visits. The guardians also reported aggressive interactions and unhelpful escalation between investigators and the program participants. It is very important to review the ISP of each participant before entering their home and carefully plan the visits to reduce as much disruption as possible. It is especially important to take into account each participant's disability and tailor interactions to be sensitive to disabilities.

- (4) Finally, the guardians report that the investigations appear to be very inconsistent. For example, a home that had multiple substantiated ANE allegations was only visited for 10-15 minutes, while another home that has never had a problem was questioned for 2 hours. Since the Department plans to conduct these investigations for every participant, the guardians want to ensure they are being done thoroughly and consistently.

Professional guardians are some of the most knowledgeable professionals in our disability service provider system. They interact with every aspect of every system that affects their PP. They are in tune with the needs of their PP, and they are legally responsible for ensuring each of their PP are safe and healthy. During the pandemic public health emergency, professional guardians repeatedly expressed deep concerns about their lack of access to their PP and inability to gain essential worker status because they could not adequately serve or protect their PP. I strongly urge that we listen to their concerns now.

Please do not hesitate to contact me with any questions or to discuss.

Thank you,

Alice

Alice Liu McCoy
Executive Director

