



State of New Mexico
House of Representatives

State Capitol
Santa Fé

March 29, 2023

The Honorable Christi A. Grimm
Inspector General
Office of the Inspector General
U.S. Department of Health and Human Services
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Inspector General Grimm:

On behalf of thousands of New Mexico families who are concerned for their loved ones with developmental disabilities, we are requesting your office initiate an investigation of the New Mexico Department of Health. Specifically, its Division of Developmental Disabilities Support and Division of Health Improvement regarding recent incidents of suspected neglect and abuse of disabled clients. These incidents of serious neglect and abuse, including malnutrition, are related to apparent systemic failures of various home and community based Medicaid waiver programs under the purview of these two Department of Health divisions. A federally sanctioned, independent investigation conducted by your office will ensure complete transparency regarding these suspected and unacceptable incidents. Your investigation will also preclude the inevitable possibility that the New Mexico Department of Health will fail to take necessary steps to prevent such cases in the future.

According to a newspaper report published by the *Santa Fe New Mexican* on March 20, 2023, the Governor's office disclosed there are at least thirteen cases of possible abuse, neglect, and exploitation of developmentally disabled individuals living in 24-hour residential facilities. Sadly, in three of those cases, the client died. While our Governor has announced an internal departmental investigation into these cases, we believe the U.S. Department of Health and Human Services should conduct an expedited parallel investigation to see if any federal dollars were misused and whether these Medicaid waiver programs or relevant service providers violated federally mandated standards of care related to the waiver.

Unfortunately, the State of New Mexico has a rather dismal record of protecting vulnerable populations who are under the care of state agencies and who receive needed services through state administered programs. These recently discovered cases of alleged abuse, neglect and exploitation create a new round of questions and concerns. First of which is whether New Mexico state agencies having jurisdiction in overseeing Medicaid waiver programs are capable of ensuring these developmentally disabled individuals are receiving the protection and care they most desperately need.

We respectfully request your office open an immediate inquiry into what is going on with New Mexico's Medicaid waiver programs. New Mexico families who have developmentally disabled adults or children must be confident their loved ones are safe and being cared for properly. Your office's involvement can play a significant role providing that confidence and in forcing any needed improvements in New Mexico's Medicaid waiver programs.

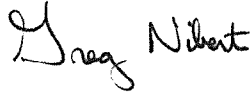
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Thank you for your attention to this matter. We hope you will support our request for a federal investigation.

Respectfully yours,



T. Ryan Lane
Republican Leader



Greg Nibert
Republican Whip



Gail Armstrong
Caucus Chair