

REQUEST FOR SERVICES BY LEGALLY RESPONSIBLE INDIVIDUALS

The Mi Via Self-Directed Waiver Services for Individuals with I/DD provided by a legally responsible individual (LRI) MUST be justified, in writing, and submitted to DDS for approval. An LRI is any person who has a duty under State law to care for another person and typically includes: the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or a spouse of a waiver participant. LRIs may be paid for waiver services, under extraordinary circumstances, in order to assure the health and welfare of the participant and avoid institutionalization. After the initial approval, ongoing approval is not required unless a participant requires changes or additional services that an LRI would need to provide

Criteria for an LRI request:

- The waiver service the LRI is requesting to provide must not be a service the LRI would ordinarily perform in the household for individuals of the same age who did not have a disability or chronic illness.
- The waiver service the LRI is requesting to provide must not be a service available to the participant through another source. Example: Children who receive homemaker/companion services through the state plan, including EPSDT program or Medicaid school-based services, would not be able to purchase duplicate homemaker/companion services through Mi Via.
- The LRI must not be the Employer of Record for the participant.
- The LRI request must list **one (1)** waiver service **per form** that the LRI wishes to provide and must include documentation describing in detail how the LRI request meets the criteria.
- All sections (1-5) of the LRI request form must be completed or included on additional paper as needed. The LRI request will be denied if all sections (1-5) are not completed.

Participant Name _____ Date of Birth _____
 Social Security # _____ Region: _____
 Address _____ Phone _____
 Consultant Agency _____ Consultant's Name _____
 SSP Dates _____
 Initial request _____ or a Change Request _____ Effective Date _____
 Employer of Record Signature _____ Date _____

Employee Name _____ Service Code to be provided: _____
 Requested Units: _____
 Legal Relationship to Mi Via Participant _____
 Employee Signature _____ Date _____



Mi Via Participant Name _____
(First) (Middle) (Last)

All sections (1-5) of the LRI request form must be completed or included on additional paper as needed. The LRI request will be denied if all sections (1-5) are not completed. The following information MUST be submitted with each LRI request:

1. **Extraordinary circumstances** of the participant's situation that lead to making this request.

2. **Attempts that have been made** to find other qualified, suitable providers.

3. **Unique needs** of the participant that requires the LRI to provide the service.

4. **Special skills and abilities** that enable the LRI to meet the unique needs of the participant.

5. **Specific job duties/tasks** the LRI is requesting to provide.



Mi Via Participant Name _____
(First) (Middle) (Last)

Additional Information (optional):

Your Right to a Fair Hearing

If you disagree with the action taken on your request for a Legally Responsible Individual (LRI) to provide waiver services, you have a right to request a fair hearing within 90 days of the date of this letter. The request must be received by the Human Services Department (HSD) Hearings Bureau/Medical Assistance Division no later than the close of business on the 90th day. You can request a fair hearing orally or in writing. You can send your written request for a fair hearing to HSD's Hearings Bureau at P.O. Box 2348, Santa Fe, New Mexico 87504-2348; you can also request a fair hearing by telephoning the Hearings Bureau at 1-800-432-6217 or (505) 827-8164. You may also contact your local Income Support Division office or the Hearings Bureau to receive help with submitting a request for a fair hearing.

You have the right to look at any documentation used to make the decision regarding your request for a Legally Responsible Individual (LRI) to provide waiver services. At the hearing, you may represent yourself or have a friend, relative, attorney or other person represent you, as well as an opportunity to present your case. You will receive a written decision based on the record made at the hearing.

DDSD Mi Via Unit Use Only ☐ Approved ☐ Denied

Notes _____

DDSD Signature _____ Date _____