



Michelle Lujan Grisham, Governor
David R. Scrase, M.D., Secretary
Nicole Comeaux, J.D., M.P.H., Director

January 24, 2022

RE: Tribal Notification to Request Advice and Comments Letter 22-01: Medicaid School-Based Services for Medical Assistance Program (MAP) Eligible Recipients Under Twenty-One Years of Age

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Human Services Department's (HSD's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting comments until **5:00 p.m. Mountain Time (MT) February 24, 2022**, regarding state plan amendment (SPA) 22-0004: School-Based Services for Medical Assistance Program (MAP) Eligible Recipients Under Twenty-One Years of Age.

The Human Services Department is making changes to the New Mexico state plan to expand services provided by school districts and Local Education Agencies (LEAs) under the Medicaid School-Based Services (MSBS) Program to include services that are listed in a Medicaid beneficiary's Individual Education Program (IEP), Individual Family Service Plan (IFSP), a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan (IHCP), or are otherwise medically necessary as appropriate for each covered service. This includes school health services that may be delegated to unlicensed school personnel as per the New Mexico Board of Nursing.

Effective July 1, 2022, SPA 22-0004 provides that the Department will cover services provided by school districts and LEAs through a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service. The service must be medically necessary and coverable under one or more of the service categories described in Section 1905(a) of the Social Security Act, as well as necessary to correct or ameliorate defects or physical or mental illnesses or conditions discovered by an EPSDT screen.

Proposed amendments to the New Mexico State Plan State Supplement A to Attachment 3.1A

- Effective July 1, 2022, the New Mexico Medical Assistance Division will allow reimbursement for school-based delegated nursing services that may be delegated to unlicensed school personnel as per the New Mexico Board of Nursing.
- School based services are services that are listed in a Medicaid beneficiary's Individual Education Program (IEP), Individual Family Service Plan (IFSP), a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service. The service must be medically necessary and coverable under one or more of the service categories described in Section 1905(a) of the Social Security Act, as well as necessary to correct or ameliorate defects or physical or mental illnesses or conditions discovered by an EPSDT screen.

Proposed amendments to the New Mexico State Plan Attachment 4.19 – B

- Effective July 1, 2022, the New Mexico Medical Assistance Division will allow reimbursement for medically necessary services provided by school districts and LEAs, including those provided under a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service.
- Medicaid reimbursement will be determined utilizing an eligibility ratio depending on the type of the service plan the services were provided under, i.e. Individualized Education Program (IEP)/Individualized Family Service Plan (IFSP) or a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service.

Tribal Impact

HSD does not anticipate a financial impact to individuals, tribes or their healthcare providers based on these proposed state plan amendments; however, HSD anticipates improved services to eligible recipients.

Tribal Advice and Comments

Tribes and their healthcare providers may view the proposed changes, on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> **Tribal Notification 22-01.**

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) February 24, 2022. Please send your comments to the MAD Native American Liaison, **Theresa Belanger**, at (505) 670-8067 or by email at: Theresa.Belanger@state.nm.us. All written comments received will be posted on the HSD website at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> along with this notification letter. The public posting will include the name and any contact information provided by the commenter.

Tribal Leadership may request a government-to-government consultation by February 24, 2022. This request may be made to: Theresa.Belanger@state.nm.us or by calling (505) 670-8067.

Sincerely,



Nicole Comeaux, J.D., M.P.H.
State Medicaid Director