

May 15, 2024

RE: Tribal Notification to Request Advice and Comments Letter #24-07, Exclusion of Achieving a Better Life Experience (ABLE) accounts from Medicaid Estate Recovery.

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) Monday, June 17, 2024**, regarding State Plan Amendment (SPA) 24-0002, Exclusion of ABLE accounts from Medicaid Estate Recovery.

Effective July 1, 2024, New Mexico Medicaid will exclude seeking payments from an ABLE account or its proceeds for Medicaid benefits provided to the beneficiary of the account. This exclusion is due to recently passed state legislation that excludes ABLE accounts from Medicaid estate recovery.

Tribal Impact

This SPA has a positive tribal impact because exclusion of monies in an ABLE account from estate recovery reduces the amount of recovery the State can seek from a beneficiary for paid Medicaid services.

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 #24-07.

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) Monday, June 17, 2024.

Please send your comments to the MAD Native American Liaison, **Theresa Belanger**, at (505) 670-8067 or by email at: Theresa.Belanger@hsd.nm.gov. All written comments received will be posted on the state 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 Monday, June 17, 2024. This request may be made to: Theresa.Belanger@hsd.nm.gov or by calling (505) 670-8067.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dana Flannery', with a stylized flourish at the end.

Dana Flannery
State Medicaid Director