



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT

8.280.400 PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

FINAL RULE

V. BACKGROUND SUMMARY

New Mexico Human Services Register Volume 43, Register 17, dated August 25, 2020, issued the proposed rule, 8.280.400 Program of All-Inclusive Care for the Elderly (PACE).

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: September 29, 2020

Hearing Date: October 30, 2020

Adoption Date: Proposed as February 1, 2021

Technical Citations: 42 CFR 460.150 subparts (b)(4)(c)(1)

A public hearing was held on October 30, 2020 to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) received one written comment. The rule is being implemented as proposed.

Summary of Comment:

Comment was received requesting that the state explain and include into NMAC 8.280.400, that determination of eligibility into the PACE program must also include consideration of the serious risks to the individual, of institutionalization, and of the denial of personal choice in the critical question of where one lives. It was also requested that an assessment of the person's support network and services be included.

Department Response: The concerns presented in this public comment are not addressed through the NMAC, rather, the criteria listed in the Appendix Q of the PACE agreement between the PACE provider, CMS, and HSD. NMAC language will stand.

VI. RULES

These amendments will be contained in 8.280.400 NMAC. The final register and rule languages are available on the HSD website at:

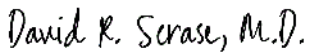
<https://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <https://www.hsd.state.nm.us/LookingForInformation/medical-assistance-division-1.aspx>. If you do not have internet access, a copy of the final register and rules may be requested by contacting the Medical Assistance Division at (505) 827-1337.

VII. EFFECTIVE DATE

This rule will have an effective date of February 1, 2021.

VIII. PUBLICATION

Publication of this rule approved by:

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DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT