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State/Territory Name: NM

State Plan Amendment (SPA) 23-0001

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
Center for Medicaid & CHIP Services
233 North Michigan Ave., Suite 600
Chicago, Illinois 60601



Financial Management Group

June 22, 2023

Ms. Nicole Comeaux
Director
Medical Assistance Division
New Mexico Human Services Department
2025 South Pacheco Drive
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Re: New Mexico State Plan Amendment (SPA) 23-0001

Dear Director Nicole Comeaux:

We have reviewed the proposed New Mexico State Plan Amendment (SPA) to Attachment 4.19-B, NM#23-0001, which was submitted to the Centers for Medicare & Medicaid Services (CMS) on January 9, 2023. This SPA proposes reimbursement for providers of Personal Care Services (PCS) and Private Duty Nursing (PDN) services under the Early Periodic Diagnostic and Treatment (EPSDT) benefit will be set at the same rate as 1915(c) provider rates.

Based upon the information provided by the State, we have approved the amendment with an effective date of May 12, 2023. We are enclosing the approved CMS-179 and a copy of the new state plan page.

If you have any additional questions or need further assistance, please contact Monica Neiman at: Monica.Neiman@cms.hhs.gov

Sincerely,

Todd McMillion

Todd McMillion
Director
Division of Reimbursement Review

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER <u>2</u> <u>3</u> — <u>0</u> <u>0</u> <u>0</u> <u>1</u>	2. STATE <u>NM</u>
3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT <u>XIX</u> <u>XXI</u>	

TO: CENTER DIRECTOR CENTERS FOR MEDICAID & CHIP SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE May 12, 2023
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5. FEDERAL STATUTE/REGULATION CITATION 1905(a)(24); 42 C.F.R. §§ 440.40 and 441.56; §1905(r) of Social Security Act, relating to Early and Periodic Screening, Diagnosis and Treatment	6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars) a. FFY <u>23</u> \$ <u>40,950</u> b. FFY <u>24</u> \$ <u>38,929</u>
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7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Attachment 4.19-B, pg. 16	8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION Attachment 4.19-B, pg. 16 (22-0019)
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9. SUBJECT OF AMENDMENT
Effective May 12, 2023, reimbursement for providers of Personal Care Services (PCS) and Private Duty Nursing (PDN) services under the Early Periodic Screening, Diagnostic and Treatment (EPSDT) benefit will be set at the same rate as 1915(c) provider rates.

10. GOVERNOR'S REVIEW (Check One)


GOVERNOR'S OFFICE REPORTED NO COMMENT	OTHER, AS SPECIFIED:
COMMENTS OF GOVERNOR'S OFFICE ENCLOSED	Authority delegated to the Medicaid Director
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL	

11. SIGNATURE OF STATE AGENCY OFFICIAL 	15. RETURN TO Nicole Comeaux, J.D., M.P.H., Director Medical Assistance Division P.O. Box 2348 Santa Fe, NM 87504-2348
12. TYPED NAME Nicole Comeaux	
13. TITLE Director, Medical Assistance Division	
14. DATE SUBMITTED January 9, 2023	

FOR CMS USE ONLY

16. DATE RECEIVED January 9, 2023	17. DATE APPROVED June 22, 2023
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PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL May 12, 2023	19. SIGNATURE OF APPROVING OFFICIAL 
20. TYPED NAME OF APPROVING OFFICIAL Todd McMillion	21. TITLE OF APPROVING OFFICIAL Director, Division of Reimbursement Review

22. REMARKS

Pen and Ink change processed by the state on the following fields of this 179 Form:

Box 4: Replaced First Day After the PHE with May 12, 2023
Box 9: Replaced First Day After the PHE with May 12, 2023

- (c) Private duty nursing services, Christian science nurse services, and personal care services. For fee-for-service providers of personal care services (PCS) and private duty nursing (PDN) under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit, effective May 12, 2023, reimbursement will be set at the same rate as 1915(c) provider rates. Thereafter, New Mexico Medicaid will apply a 10% reimbursement increase for July 1, 2022, to May 11, 2023 rates authorized by DR-NM-22-0023 and for base rates from May 12, 2023 through June 30, 2023 (as authorized by NM-23-0001) or until the American Rescue Plan Act (ARPA) 9817 funding is exhausted or expires, whichever is earlier. New Mexico Medicaid will apply a 5% reimbursement increase to base rates as authorized by NM-23-0001 for July 1, 2023, to June 30, 2024 or until the ARPA 9817 funding is exhausted or expires, whichever is earlier. Reimbursements will be made to PCS and PDN providers under EPSDT as authorized under New Mexico's ARPA Home and Community Based Services (HCBS) Spending Plan and Narrative and in accordance with Appendix B of the ARPA State Medicaid Director Letter, SMD# 21-003 *Implementation of American Rescue Plan Act of 2021 Section 9817*. Once Section 9817 ARP funding is fully expended, reimbursement will return to base levels in effect on May 12, 2023 (as authorized by NM-23-0001).

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers. All rates are published on the state's website at: <https://www.hsd.state.nm.us/providers/fee-schedules/>

- (d) Services by licensed master's level practitioners including psychologists, counselors, and social workers, and other individually licensed practitioners.
- (e) Chiropractic services.
- (f) Orthodontic services and other dental services not otherwise covered in the state plan.
- (g) Services provided by school districts and local education agencies. Reimbursement will be at the same rate as other providers of the specific service rendered.
- (h) Services provided by Licensed Alcohol and Drug Abuse Counselors (LADACs).

2. **Inpatient Institutional Services**

Inpatient services provided by JCAHO accredited institutions are reimbursed using the methodology for specialty hospitals according to the reimbursement principles, of 4.19-A.

3. **Outpatient Institutional Services**

Outpatient services provided by JCAHO accredited institutions are reimbursed using the methodology for outpatient hospital according to the reimbursement principles of 4.19- B, III.

4. **Rural Health Clinic and Federally Qualified Health Center Services**

Services by these providers are reimbursed in accordance with the reimbursement methodology described in 4.19-B, Item VIII.

5. **Durable Medical Equipment, Supplies, Prosthetics, and Orthotics**

These items are reimbursed in accordance with the reimbursement methodology described in 4.19-B, Item VII.

6. **Case Management**

Case Management services are reimbursed in accordance with the reimbursement methodology described in 4.19-B, Item X.