



Susana Martinez, Governor
Brent Earnest, Secretary
Nancy Smith-Leslie, Director

August 24, 2018

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the following New Mexico Administrative Code (NMAC) rules: 8.308.6 Managed Care Program – Eligibility; 8.308.7 Managed Care Program – Enrollment and Disenrollment; 8.308.9 Managed Care Program – Benefit Package; 8.308.10 Managed Care Program – Care Coordination; and 8.308.12 Managed Care Program – Community Benefit.

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: August 28, 2018

Hearing Date: September 26, 2018

Adoption Date: Proposed as January 1, 2019

Technical Citations: Centennial Care 2.0 1115 Waiver, Federal Register/Vol. 81, No. 230, 42 CFR 435.119(b)(2)

The Department is proposing to revise these rules to align with the Department's Centennial Care 1115 Demonstration Waiver renewal effective January 1, 2019.

8.308.6 NMAC

Part Title

The Department proposes amending the title to better describe the section and actions within the regulation.

Section 10: Special Situations

The Department proposes revisions that better describe the action of enrollment with a managed care organization (MCO) rather than eligibility for Medicaid. Proposed language was added to clarify that an eligible mother and her newborn are enrolled with the same MCO for the month of the birth. The Department also proposes deleting current language and adding clarifying language related to MCO enrollment requirements for individuals who meet a Nursing Facility Level of Care (NF LOC).

Other proposed amendments within this section include updating the date of proposed changes, and minor edits for consistency and clarity.

8.308.7 NMAC

Section 9: Managed Care Enrollment

The Department proposes new language outlining the conditions for enrollment and retroactive enrollment with a MCO. Proposed language was added to clarify enrollment provisions for inmates and

individuals being released from incarceration and for individuals who miss their enrollment switch period due to incarceration, hospitalization or incapacitation. The Department proposes clarifying language defining the open enrollment period. Proposed language was also added to this section regarding Native American opt-in and opt-out enrollment provisions.

Other proposed amendments within this section include updating the date of proposed changes, and minor edits for consistency and clarity.

8.308.9 NMAC

Section 7: Definitions

The Department proposes adding definitions for Early Childhood Home Visiting Program and Evidence-Based, Early Childhood Home Visiting Program in this section.

Section 17: Preventive Physical Health Services

The Department proposes adding language including referral to a home visiting pilot program for eligible pregnant women and children as a component of the prenatal care benefit under the managed care program.

Section 23: Centennial Home Visiting (CHV) Pilot Program Services

The Department proposes new language outlining the rules for a Centennial Home Visiting (CHV) pilot program that will be available under the managed care program starting January 1, 2019. The proposed language explains who will be served under the CHV pilot program and where such services will be available. The Department includes proposed language defining the CHV pilot program delivery models as the Nurse Family Partnership (NFP) model for first-time parents; and the Parents as Teachers (PAT) model. Proposed language describing covered services under the CHV pilot program is also included in this section.

Remaining sections of the rule were renumbered.

8.308.10 NMAC

Section 9: Care Coordination

The Department proposes adding new language allowing the MCOs to delegate care coordination activities and requiring the MCOs to share information about release from incarceration with the member's providers for care coordination purposes. The Department also proposes moving language regarding Electronic Visit Verification to NMAC 8.308.12, Community Benefit, under relevant services.

Other amendments have been proposed within the rule for consistency and clarity.

8.308.12 NMAC

Section 7: Definitions

The Department proposes to add a new definition for Electronic Visit Verification (EVV). The Department also proposes clarifying language on the role of the Employer of Record (EOR) when the member has a Power of Attorney (POA).

Section 13: Covered Services in Agency Based Community Benefit (ABCB)

In this section, the Department proposes language for inclusion of a security deposit for an assisted living facility placement of up to \$500. The Department also proposes the addition of nutritional

counseling service in the Agency-Based Community Benefit (ABCB). New proposed language in this section also includes the 21st Century Cures Act federal requirement that all personal care services must be documented with the use of an EVV system. The Department also proposes an increase in the annual limit for respite service hours from 100 to 300.

Section 18: Covered Services in Self-Directed Community Benefit (SDCB)

The Department proposes implementing a cost limit for certain SDCB services effective January 1, 2019. There are currently no limits on these services, and members who are in the program prior to January 1, 2019 with amounts above the new proposed limits are “grandfathered”. SDCB budgets will not be reduced for grandfathered individuals for these services. The new proposed limits include:

- Specialized therapies (such as acupuncture or massage) – proposed limit of \$2,000 annually.
- Related goods (such as gym membership or supplements) – proposed limit of \$2,000 annually.
- Non-medical transportation (such as to events in the community) – proposed limit of \$1,000 annually.

The Department proposes to change in name of the SDCB “homemaker” service to “self-directed personal care service (PCS)”. There is no change in the service definition.

The Department also proposes the addition of a new service in SDCB called start-up goods. This new service allows for the one-time purchase of items that a new SDCB member needs to self-direct, such as a computer, printer, and fax machine. There is a one-time limit of up to \$2,000 for start-up goods.

Other amendments are proposed within this section of the rule for consistency and clarity.

The register and the proposed rules will be available August 28, 2018 on the HSD website at:

<http://www.hsd.state.nm.us/2017-comment-period-open.aspx> and

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have internet access, a copy of the proposed register and rules may be requested by contacting MAD at (505) 827-6252.

The Department proposes to implement these rules effective January 1, 2019. A public hearing to receive testimony on these proposed rules will be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on September 26, 2018 from 9 a.m. to 12 p.m., Mountain Daylight Time (MDT).

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to madrules@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than 5:00 p.m. MDT, September 28, 2018. All written comments received will be posted as they are received on the HSD website at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-6252. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.