



Michelle Lujan Grisham, Governor
Kari Armijo, Acting Secretary
Lorelei Kellogg, Acting Medicaid Director

August 18, 2023

RE: Tribal Notification to Request Advice and Comments Letter 23-13: SPA Tribal 638 Nursing Facilities.

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) September 17, 2023**, regarding state plan amendment (SPA) 23-0013 SPA Tribal 638 Nursing Facilities.

The New Mexico Human Services Department Medical Assistance Division is providing notice of a proposed reimbursement for Tribal 638 Nursing Facilities at the Office of Management and Budget (OMB) rate as published and specified in the Federal Register, effective August 18, 2023. This rate will be adjusted annually based on the percentage increase to the approval rates published each year in the Federal Register by the U.S. Department of Health and Human Services' Indian Health Service, under the authority of Sections 321 (a) and 322 (b) of the Public Health Service Act (42 U.S.C. 248 and 249 (b)), Public Law 83-568 (42 U.S.C. 2001(a)), and the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

These changes are being made to the State Plan as Tribal Nursing Facilities receive a Tribal 638 authority and be reimbursed at the OMB published rate.

Tribal Impact

HSD does anticipate a positive impact for New Mexico Tribes, Nations and Pueblos and eligible tribal nursing facilities.

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 23-13.**

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) September 17, 2023. 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 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 September 17, 2023. This request may be made to: Theresa.Belanger@hsd.nm.gov or by calling (505) 670-8067.

Sincerely,



Lorelei Kellogg
Acting Medicaid Director