



Michelle Lujan Grisham, Governor
Kari Armijo, Cabinet Secretary
Dana Flannery, Medicaid Director

03/26/2024

James G. Scott, Director
Division of Program Operations
Medicaid & CHIP Operations Group
Centers for Medicare and Medicaid Services
601 E. 12th St., Room 355
Kansas City, MO 64106

Dear Mr. Scott:

Enclosed please find documents related to New Mexico State Plan Amendment (SPA) 23-0017, Chiropractic Services (CS).

New Mexico is requesting to reimburse chiropractic services for all individuals who have a primary diagnosis of neck pain, back pain, musculoskeletal pain, or headaches that are not eligible for Long-term Support Services (LTSS) through Home and Community-Based Services (HCBS) and Mi Via programs.

HSD followed a process that included public notification, tribal notification, and web posting. Documentation of these activities is attached.

Please refer to the attachments for the transmittal form and notices.

We appreciate your consideration of this state plan amendment. Should you have any questions on this amendment, please contact Valeria Tapia at: Valerie.Tapia@hsd.nm.gov or (505) 257-8420.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dana Flannery", is positioned above the typed name.

Dana Flannery
Medicaid Director

cc: Dana Brown, CMS

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

1. TRANSMITTAL NUMBER ____ _	2. STATE ____
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3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT XIX XXI
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TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

5. FEDERAL STATUTE/REGULATION CITATION
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6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY _____ \$ _____
b. FFY _____ \$ _____

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
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8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

9. SUBJECT OF AMENDMENT

10. GOVERNOR'S REVIEW (Check One)	OTHER, AS SPECIFIED:
GOVERNOR'S OFFICE REPORTED NO COMMENT	
COMMENTS OF GOVERNOR'S OFFICE ENCLOSED	
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL	

11. SIGNATURE OF STATE AGENCY OFFICIAL 
12. TYPED NAME
13. TITLE
14. DATE SUBMITTED

15. RETURN TO

FOR CMS USE ONLY	
16. DATE RECEIVED	17. DATE APPROVED

PLAN APPROVED - ONE COPY ATTACHED	
18. EFFECTIVE DATE OF APPROVED MATERIAL	19. SIGNATURE OF APPROVING OFFICIAL
20. TYPED NAME OF APPROVING OFFICIAL	21. TITLE OF APPROVING OFFICIAL

22. REMARKS

V. Services of Licensed Independent Social Workers (LISWs) and Clinical Nurse Specialists (CNSs)

Services of Licensed Independent Social Workers (LISWs) are covered consistent with their licensure and includes Licensed professional mental Health Clinical Counselors (LPCCs), Licensed Marriage and Family Therapists (LMFTs), and Clinical Nurse Specialists (CNSs) certified in psychiatric nursing.

VI. Licensed Alcohol and Drug Abuse Counselor

The services of a Licensed Alcohol and Drug Abuse Counselor (LAD AC) are covered when provided within a federally qualified health center, an Indian Health Service facility, a PL 93-638 tribally-operated hospital or clinic, or a community mental health center or core service agency licensed by the appropriate state or federal agency or department. All services must be rendered within the scope of practice and licensure for each provider and must be in compliance with the statutes, rules, and regulations of the applicable state practice acts. All requirements for supervision in state law must be met.

VII. Chiropractor Services

Services provided by a qualified New Mexico licensed chiropractor are limited to those within their scope of practice as authorized by state law. Chiropractic services are covered for all individuals who have a primary diagnosis of neck pain, back pain, musculoskeletal pain, or headaches, when the individual is not eligible for Long-Term Support Services (LTSS) through Home and Community-Based Services (HCBS), as these services are already covered.

TN No 23-0017

Supersedes TN. No. 08-03

Approval Date _____

Effective Date 1/1/2024

4. **Licensed Midwives (Lay Midwives):** Payments to licensed midwives are reimbursed at 77% of the physician fee schedule as described in Item I. A of Attachment 4.19 B for global delivery codes; payments for other codes are reimbursed at 100% of the physician fee schedule

The agency's fee schedule rates were set as of July 1, 2023, and are effective for services provided on or after those dates. All rates and any updates or periodic adjustments to the fee schedule are published on the agency's website for the New Mexico Human Services Department, Medical Assistance Division Providers, Fee for Service, Under Fee Schedule at <https://www.hsd.state.nm.us/providers/fee-schedules/>. Notice of changes to rates will be made as required by 42 CFR 447.205. Reimbursement for governmental and non-governmental providers are paid the same, uniform rate unless otherwise noted on the payment pages.

5. **Chiropractic Services:** Effective January 1, 2024, chiropractic services are covered for all individuals who have a primary diagnosis of neck pain, back pain, musculoskeletal pain, or headaches, when the individual is not eligible for Long-Term Support Services (LTSS) through Home and Community-Based Services (HCBS), as these services are already covered.

Payments to New Mexico chiropractic licensed providers are reimbursed at 100% of the physician fee schedule with an annual benefit limit of \$2,000.

The agency's fee schedule rates were set as of July 1, 2023, and are effective for services provided on January 1, 2024. All rates and any updates or periodic adjustments to the fee schedule are published on the agency's website for the New Mexico Human Services Department, Medical Assistance Division Providers, Fee for Service, Under Fee Schedule at <https://www.hsd.state.nm.us/providers/fee-schedules/>. Notice of changes to rates will be made as required by 42 CFR 447.205. Reimbursement for governmental and non-governmental providers are paid the same, uniform rate unless otherwise noted on the payment pages.

C. Other Services

1. **Ambulatory Surgical Centers Services** - Free standing ambulatory surgical centers are paid at the Medicare fee schedule. For procedures not covered by Medicare, the Department establishes a fee schedule amount equivalent to the amount allowed for procedure of similar complexity.

The agency's fee schedule rates were set as of July 1, 2023 and are effective for services provided on or after that date. All rates and any updates or periodic adjustments to the fee schedule are published on the agency's website for the New Mexico Human Services Department, Medical Assistance Division, Providers, Fee for Service, under Fee Schedules, at: <https://www.hsd.state.nm.us/providers/fee-schedules/>. Notice of changes to rates will be made as required by 42 CFR 447.205.

2. **Renal Dialysis Facilities** - Renal dialysis facilities are paid at the Medicare fee schedule. For procedures not covered by Medicare, the Department establishes a fee schedule amount equivalent to the amount allowed for procedure of similar complexity.

The agency's fee schedule rates were set as of July 1, 2023 and are effective for services provided on or after that date. All rates and any updates or periodic adjustments to the fee schedule are published on the agency's website for the New Mexico Human Services Department, Medical Assistance Division, Providers, Fee for Service, under Fee Schedules, at: <https://www.hsd.state.nm.us/providers/fee-schedules/>. Notice of changes to rates will be made as required by 42 CFR 447.205.

- Licensed Birth Centers** - Licensed birth centers are paid at the Medicaid fee schedule. The agency's fee schedule rates were set as of July 1, 2023 and are effective for services provided on or after that date. All rates and any updates or periodic adjustments to the fee schedule are published on the agency's website for the New Mexico Human Services Department, Medical Assistance Division, Providers, Fee for Service, under Fee Schedules, at: <https://www.hsd.state.nm.us/providers/fee-schedules/>. Notice of changes to rates will be made as required by 42 CFR 447.205.