



Michelle Lujan Grisham, Governor
David R. Scrase, M.D., Secretary
Nicole Comeaux, J.D., M.P.H, Director

August 9, 2021

RE: Tribal Notification to Request Advice and Comments Letter 21-14: State of New Mexico's amended Home and Community Based Services (HCBS) Waiver Settings Statewide Transition Plan

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 written comments until **5:00 p.m. Mountain Time (MT) Tuesday, October 12, 2021** regarding the State of New Mexico's amended Home and Community Based Services (HCBS) Waiver Settings Statewide Transition Plan (STP). This STP includes the following HCBS waiver programs: Developmental Disabilities (DD) waiver, Mi Via waiver, Medically Fragile waiver, and Centennial Care section 1115 waiver. Amendments to the STP are required in order to support the State's efforts to align waiver programs related to HCBS with the Centers for Medicare and Medicaid Services (CMS) Final Rule 2249-F/2296-F.

The State intends to submit its STP to CMS by October 15, 2021 for an approval by January 1, 2022.

The key components included in the proposed changes under this Statewide Transition Plan amendment are to incorporate and address overall comments from CMS regarding completion of site-specific assessments of home and community-based settings; necessary strategies for validating the assessment results; the outcomes of these activities, including remediation strategies that will resolve issues identified by the site-specific settings assessment process and validation activities; a plan for identifying and evaluating settings that are presumed to have institutional characteristic; and development of a communication process for beneficiaries who are currently receiving services in settings that the State has determined cannot or will not come into compliance with the home and community-based settings final rule. In addition, the State outlined ongoing monitoring and quality assurance processes that will ensure all settings providing home and community services (HCBS) continue to remain fully compliant with the rule.

Estimated Total Financial Impact

HSD does not anticipate a financial impact.

Tribal Impact

There are 477 self-identified Native American participants and members on the Developmental Disabilities (DD) waiver, Mi Via waiver, Medically Fragile waiver, and Centennial Care section 1115 waiver. HSD anticipates a positive impact to participants, members, and to tribes and their healthcare providers who provide services in these programs.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed STP on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> **Notification Letter 21-14.**

Please use the Microsoft Edge or Google Chrome internet browser to access and navigate the website. Internet Explorer may not display the full HSD Website.

A written copy of these documents may be requested by contacting the HSD Medical Assistance Division (HSD/MAD) in Santa Fe at (505) 827-1337.

Important Dates

A public hearing to receive testimony will be **held via conference call at 10:00 a.m., Mountain Time (MT) on Tuesday, October 12, 2021.** The conference call toll-free number is: **800-747-5150, Access Code: 0440241.**

Written advice and comments must be received no later than **5:00 p.m. Mountain Time (MT) Tuesday, October 12, 2021.** Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to theresa.belanger@state.nm.us.

All comments and responses will be compiled and made available after the public hearing.

Sincerely,



Nicole Comeaux, J.D., M.P.H, Director
Medical Assistance Division