



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

April 20, 2021

RE: Tribal Notification to Request Advice and Comments Letter 21-10: Proposed amendments to 8.200.510 NMAC, Medicaid Eligibility- General Recipient Policies, Resource Standards, 8.200.520 NMAC, Medicaid Eligibility- General Recipient Rules, Income Standards, and 8.291.430 NMAC Medicaid Eligibility- Affordable Care, Financial Responsibility Requirements.

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) on May 20, 2021** regarding proposed amendments to the following New Mexico Administrative Code (NMAC) *8.200.510 NMAC, Medicaid Eligibility- General Recipient Policies, Resource Standards, 8.200.520 NMAC, Medicaid Eligibility- General Recipient Rules, Income Standards and 8.291.430 NMAC, Medicaid Eligibility- Affordable Care, Financial Responsibility Requirements.*

**The Department is proposing to amend the rules as follows:**

8.200.520 NMAC Medicaid Eligibility Income Standards and 8.291.430 NMAC Medicaid Eligibility Affordable Care will be amended in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program categories of eligibility effective April 01, 2021.

8.200.510 NMAC Medicaid Eligibility Resource Standards and 8.200.520 NMAC Medicaid Eligibility Income Standards are being updated due to the annual cost of living increase (COLA) that went into effect January 01, 2021. The July 2020 Supplemental Security Income (SSI) and Spousal Impoverishment Standards are included in the rule changes. The Department is re-promulgating this section of the rule in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

**Estimated Total Financial Impact**

The financial impact of the 2021 FPL, 2021 COLA and 2020 SSI and Spousal Impoverishment Standards is an increased cost to the Human Services Department as more individuals may become eligible due to the higher standards.

### **Tribal Impact**

The impact of these rule changes to Native Americans is that implementation of the 2021 FPL, 2021 COLA and 2020 SSI and Spousal Impoverishment Standards may result in more Native Americans being eligible for Medicaid.

### **Tribal Advice and Comments**

Tribes and tribal healthcare providers may view these proposed NMAC rules April 20, 2021 on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. **Notification Letter 21-10.**

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 on these proposed rules will be held **via conference call** on Thursday, May 20, 2021 at 9:00 a.m., Mountain Time (MT). **Conference phone number: 1-800-747-5150. Access Code: 2284263.**

**Written advice and comments must be received no later than 5:00 p.m. MT on May 20, 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](mailto:theresa.belanger@state.nm.us).

All comments and responses will be compiled and made available after June 10, 2021.

Sincerely,



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