



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

March 28, 2023

RE: Tribal Notification to Request Advice and Comments Letter 23-04: Proposed amendments to 8.200.510 NMAC, General Recipient Policies, Resource Standards, 8.200.520 NMAC, General Recipient Rules, Income Standards, and 8.291.430 NMAC 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 April 27, 2023** regarding proposed amendments to the following New Mexico Administrative Code (NMAC) rules *8.200.510 NMAC, General Recipient Policies, Resource Standards, 8.200.520 NMAC, General Recipient Rules, Income Standards and 8.291.430 NMAC, Affordable Care, Financial Responsibility Requirements*.

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: March 28, 2023

Hearing Date: April 27, 2023

Adoption Date: Proposed as June 01, 2023

Technical Citations: HHS 2023 Federal Poverty Guidelines and 2023 SSA COLA Fact Sheet

The Department is proposing to amend the rule as follows:

The Department is amending these rules to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income limits for Medicaid categories of eligibility to be effective April 01, 2023, as required by HHS. HSD is also implementing the annual cost of living allowance (COLA) increase that went into effect on January 01, 2023.

Estimated Total Financial Impact

The financial impact of the 2023 FPL and COLA changes may result in increased cost to HSD 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 2023 FPL and COLA changes may result in more Native Americans being eligible for Medicaid.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed NMAC rules on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. *Notification Letter 23-04*.

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 April 27, 2023, at 10 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 April 27, 2023. 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@hsd.nm.gov.

All comments and responses will be compiled and made available after May 18, 2023

Sincerely,



Lorelei Kellogg, Acting Medicaid Director
Medical Assistance Division