



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

September 12, 2023

RE: Tribal Notification to Request Advice and Comments Letter 23-20: Proposed amendments to 8.310.10 NMAC

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 September 29, 2023**, regarding proposed amendments to the following New Mexico Administrative Code (NMAC) rule: 8.310.10, *Health Care Professional Services, Health Home Services*.

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: September 12, 2023

Hearing Date: October 13, 2023

Adoption Date: Proposed as January 1, 2024

Technical Citations: New Mexico State Plan Amendment NM-21-0005

The Department is proposing to amend the rule as follows:

8.310.10 NMAC

Section 8 is amended to include the Departments current mission statement.

Section 12 is amended to reflect substance use disorder (SUD) as an allowable diagnosis for recipient eligibility.

Background

This change is made to align with New Mexico State Plan Amendment (SPA) NM-21-0005.

Estimated Total Financial Impact

This change was previously implemented with the SPA. No additional financial impact is anticipated.

Tribal Impact

HSD anticipates that this change will help the state to better address opioid use disorder and other SUD.

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 23-20.*

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 this proposed rule will be held **via conference call** on September 29, 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 October 13, 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 October 20, 2023.

Sincerely,



Lorelei Kellogg, Acting Medicaid Director
Medical Assistance Division