



**Michelle Lujan Grisham, Governor**  
Kari Armijo, Secretary

April 9, 2024

RE: Tribal Notification to Request Advice and Comments Letter 24-03: Proposed 8.325.12 NMAC, Medication Assisted Treatment Services in Correctional Settings

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 9, 2024**, regarding proposed New Mexico Administrative Code (NMAC) 8.325.12, Medication Assisted Treatment Services in Correctional Settings. As directed under NMSA 1978, §24-1-5.11, HSD establishes this rule to provide guidance and requirements for delivery of substance use disorder treatment and reentry services for persons diagnosed with substance use disorder in correctional facilities.

### **Estimated Total Financial Impact**

The Human Services Department does not anticipate financial impact on Nations, Tribes or Pueblos.

### **Tribal Impact**

During Calendar Year 2023, the New Mexico Corrections Department (NMCD) reported a total of 704 Native American males and 98 Native American females in custody. As such, in CY2023, incarcerated Native American males represented 10.3% of the total male inmate population and incarcerated Native American females represented 11.84% of the total female inmate population. National surveillance data (2018 National Survey on Drug Use and Health) suggest that as many as 10% of Native Americans report living with substance use disorder and they are more likely to report substance misuse in the previous month or year than any other ethnic group.

Incarcerated Native Americans will certainly benefit from the availability of Medication Assisted Treatment (MAT) services in NMCD facilities. Receiving MAT services during their incarceration impacts the entire prison population and challenges may exist with regards to assuring access to continued MAT services in their home communities upon release. Native Americans receiving MAT during their incarceration may encounter greater challenge given the rural and frontier nature of many tribal communities.

## Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.325.12 NMAC on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. **Notification letter 24-03.**

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

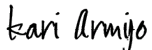
A public hearing to receive testimony on this proposed rule will be held on **Thursday, May 9, 2024, at 10:00 a.m.** The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via conference call. **Conference phone number: 1-800-747-5150. Access Code: 2284263.**

**Written advice and comments must be received no later than 5:00 p.m. MT on May 9, 2024.** 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](mailto:theresa.belanger@hsd.nm.gov).

All comments and responses will be compiled and made available after May 30, 2024.

Sincerely,

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Kari Armijo, Interim Director  
Human Services Department