

May 17, 2024

**RE: Tribal Notification Letter 24-09: Managed Care Policy Manual**

Dear Tribal Leadership, IHS, Tribal Facility or other interested parties,

Consultation with New Mexico's Indian Nations, Tribes, Pueblos and their healthcare 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) Tribal Consultation requirements, 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 on Monday, June 17, 2024** regarding proposed revisions to the following Managed Care Policy Manual sections:

1) Section 4 Care Coordination

4.3 Health Risk Assessment

Removal of General HRA instructions, including the requirement to inform Native American individuals they have a right to a Native American Care Coordinator. These instructions and information are included in the Health Risk Assessment (HRA) document that may be found in the Policy Manual Appendix 4.17.1.

***Tribal Impact:*** *HSD anticipates minimal service impacts for individuals, tribes, and service providers as Native American rights and MCO requirements for Native American Care Coordination continue to be in the Health Risk Assessment document. The provisions are also in the New Mexico Medicaid Managed Care Services Agreements/contracts with Managed Care Organizations (MCOs), as well as the provision that MCOs shall make reasonable efforts to offer a Native American Care Coordinator from the same Tribe, Nation, or Pueblo as the Member.*

**Estimated Total Financial Impact:** *No financial impact is anticipated.*

2.) Section 15 Indian Health Services, Tribal Health providers, and Urban Indian Providers (I/T/U)

Section 15 includes the addition of the Tribal Self Insurance Plan Exception with regard to Purchase and Referred Care (PRC). The Indian Health Service (IHS) is identified as the payor of last resort after Medicare and Medicaid resulting in IHS savings.

***Tribal Impact:*** *HSD anticipates positive impacts for individuals, tribes, and service providers as Native Americans may purchase and receive care with Medicare and/or Medicaid reimbursing the provider(s) prior to tribally funded self-insured health plans due to the IHS Payor of Last Resort Rule.*

**Estimated Total Financial Impact:** *Unknown, the positive financial impact is dependent upon service usage and the number of individuals who have Medicare and Medicaid.*

3.) Section 15.1 FQHC/Tribal 638 Claims Processing

Additions in Section 15.1 – 1.) Addition of Medicare “Office of Management and Budget” (OMB) rate and the “all-inclusive rates (AIR) encounter rates for the applicable year” was added to further clarify the rates on which reimbursement must be made.

2.) Links to documents from the Center of Medicare and Medicaid Services (CMS) extension of the Four Walls Grace Period to February 11, 2025 are provided. This is the time Tribal 638 facilities may have to become an FQHC in order to provide services outside the four walls of the facility and receive OMB rates.

**Tribal Impact:** *1.) HSD expects positive impacts as the reimbursement rates are clarified. 2.) HSD anticipates a positive service impact for individuals and tribes as they continue to receive provision of services outside the four walls of Tribal 638 facilities during the extension period. Furthermore, Tribal 638 facility service providers will continue to receive OMB rates for services outside of the four walls. The additional extension period allows time for Tribal 638 facilities to become Federally Qualified Health Centers (FQHCs).*

**Estimated Total Financial Impact:** *Unknown, the positive financial impact is dependent upon service usage.*

**Tribal Consultation Comments** –

Tribes and their healthcare providers may view the proposed Managed Care Policy Manual revisions on the Human Services Department’s webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. *Letter 24-09.*

**Important Dates**

- **Written comments must be submitted by 5:00 p.m. Mountain Time (MT) on June 17, 2024.** Please send your comments and 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) .
- Comments and responses will be compiled and made available upon request by **July 1, 2024**. After considering the comments received and making changes deemed necessary, the final version of the Managed Care Policy Manual will also be available and effective **July 1, 2024** on the HSD website:

<https://www.hsd.state.nm.us/providers/managed-care-policy-manual/>.

Sincerely,



Dana Flannery, Director  
Medical Assistance Division