



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

8.302.2 NMAC, BILLING FOR MEDICAID SERVICES
8.308.14 NMAC, COST SHARING

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

FINAL RULE

V. BACKGROUND SUMMARY

New Mexico Human Services Register Volume 40, Register 10, dated June 13, 2017, issued the proposed rules, 8.302.2 NMAC, Billing for Medicaid Services, and 8.308.14 NMAC, Cost Sharing.

A public hearing was held on July 14, 2017, to receive public comments and testimony on these proposed rules. The Human Services Department (the Department) received numerous written and oral comments, with some commenters supporting the Department's revised co-payment proposed rules, some commenters voicing their opposition, and other commenters requesting technical clarifications or additional time for implementation.

After deliberation about the comments that were received, the Department has decided to postpone issuance of the final rules at 8.302.2 NMAC and 8.308.14 NMAC, as proposed. Rather, the Department is finalizing these sections of rule by making important clarifications and corrections to reflect current Medicaid co-payment policy. New co-payments that were proposed for additional Medicaid populations, and new requirements of managed care organizations (MCOs) for additional co-payment tracking, will not be finalized at this time.

The Department intends to revise these sections of rule to incorporate new cost-sharing requirements for certain Medicaid recipients at a future date. At such time, both sections of rule will be re-promulgated in accordance with state and federal rulemaking requirements.

Summary of Comments:

Of the comments received, 19 voiced opposition to the rule revisions as proposed, expressing concern about the potential impact of new co-payments on access to care for low-income individuals and families due to an inability to make such payments. In addition, many commenters declared concern about reduced payments to providers, and stated their belief that some providers would refrain from treating Medicaid-enrolled individuals. Further, there were multiple commenters who objected to the proposed co-payment rules due to religious or personal values. Some of the opposing commenters also asserted that the rules as proposed would result in disproportionate administrative costs to the state compared to any savings that might be achieved.

The Department received six written comments in support of the rule revisions as proposed. These commenters expressed opinions that the co-payments as proposed were reasonable and affordable, and would help to deter unnecessary services, including Emergency Department visits.

In addition, the Department received four comments that are considered neutral or informatory. Generally, these comments were from providers requesting additional time prior to implementation of the proposed co-payment rules to make needed changes to their internal administrative processes and billing software programs; and from tribal providers asserting that Native American individuals are to remain exempt from co-payments, as proposed.

VI. RULES

These amendments will be contained in 8.302.2 and 8.308.14 NMAC. The final register and rules are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have Internet access, a copy of the final register and rules may be requested by contacting MAD at (505) 827-6252.

VII. EFFECTIVE DATE

These rules will have an effective date of October 1, 2017.

VIII. PUBLICATION

Publication of these rules approved by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT