



State of New Mexico  
Human Services Department  
**Human Services Register**



**I. DEPARTMENT**  
HUMAN SERVICES DEPARTMENT

**II. SUBJECT**  
8.320.2 NMAC, EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND  
TREATMENT SERVICES

**III. PROGRAM AFFECTED**  
(TITLE XIX) MEDICAID

**IV. ACTION**  
PROPOSED RULE

**V. BACKGROUND SUMMARY**

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.320.2, Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services. These proposed rule changes will ensure New Mexico Centennial Care is in compliance with the federal mandate Section 12006 of the 21st Century Cures Act which requires implementation of Personal Care Services no later than January 1<sup>st</sup>, 2020.

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: August 27, 2019

Hearing Date: September 30, 2019

Adoption Date: Proposed as January 1<sup>st</sup>, 2020

Technical Citations: Section 12006 of the 21st Century Cures Act

**The Department is proposing to amend the rule as follows:**

**Section 7**

Language added to define Electronic Visit Verification (EVV).

## **Section 18**

**Subsection B, Paragraph (3):** Language added to include EVV as a requirement of the training curriculum.

**Subsection G:** New subsection added stating that the “Use of the Electronic Visit Verification (EVV) system is required for payment of Personal Care Services including EPSDT eligible members. The managed care organizations shall collaborate to offer a single EVV vendor for PCS and monitor compliance with the federal 21st Century Cures Act. The MCO shall maintain an EVV system capable of leveraging up-to-date technology as it emerges to improve functionality in all areas of the state, including rural areas.”

### **VI. RULE**

These proposed rule changes will be contained in 8.320.2 NMAC. This register and the proposed rule are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

### **VII. EFFECTIVE DATE**

The Department proposes to implement this rule effective January 1, 2020.

### **VIII. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on September 30, 2019 at 10:30 a.m., Mountain Daylight Time (MDT).

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

### **IX. ADDRESS**

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on September 30, 2019. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

#### **X. PUBLICATION**

Publication of this rule approved by:



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DAVID R. SCRASE, M.D., SECRETARY  
HUMAN SERVICES DEPARTMENT