

October 29, 2018

RE: Tribal Notification to Request Advice and Comments Letter 18-16 – Individuals Above 133% FPL (Former Foster Care Individuals from Other States up to Age 26)

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, is accepting written comments until **5:00pm Mountain Time (MT) on November 28, 2018**, regarding State Plan Amendment (SPA) 18-003, which will allow the state to claim federal financial participation (FFP) through the Medicaid State Plan to cover former foster care individuals up to age 26 who were in foster care under the responsibility of another state.

HSD currently covers this population with state general funds. In 2017, the Centers for Medicare and Medicaid Services (CMS) finalized a regulation revoking Medicaid coverage for these individuals without explicit 1115 waiver authority. This SPA will accompany the Centennial Care 1115 waiver renewal to be effective on January 1, 2019, in which HSD requested FFP to cover this population.

New Mexico currently provides coverage under the Other Adult Group to adults with income below 133% of the federal poverty level (FPL). HSD is submitting this SPA to CMS to extend coverage to former foster care individuals who aged out of foster care from another state and whose income exceeds 133% FPL. It is HSD's intention to have a SPA effective date of January 1, 2019, to be concurrent with the effective date of the 1115 Centennial Care waiver. New Mexico is not requesting an upper income limit for this population, which is consistent with how the State currently covers individuals who aged out of foster care in New Mexico.

Estimated Total Financial Impact

The Department estimates the financial impact of this change will be approximately \$108,000 (\$32,400 in state general funds) annually.

Tribal Impact: The impact to Indian Nations, Tribes, Pueblos and their health care providers is positive. The SPA, in conjunction with the 1115 waiver, will allow New Mexico to access FFP for covering former foster care individuals up to age 26 from another state. Without the SPA, New Mexico can only access FFP for former foster care individuals who aged out of foster care in New Mexico.

Tribes and their health care providers may view the proposed SPA on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, **Notification Letter 18-16.**

Important Dates:

- **Written comments must be submitted by 5:00pm Mountain Time (MT) on November 28, 2018.** Please send your comments to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by email at: Theresa.Belanger@state.nm.us.
- All written comments received will be posted as they are received on the HSD website at <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> along with the applicable notification letter and proposed rule. The public posting will include the name and any contact information provided by the commenter.
- All comments and responses will be compiled and made available after December 14, 2018.

Sincerely,



Nancy Smith-Leslie, Director
Medical Assistance Division

CC: Theresa Belanger