



HUMAN SERVICES
DEPARTMENT

Michelle Lujan Grisham, Governor
David R. Scrase, M.D., Secretary
Nicole Comeaux, J.D., M.P.H, Director

March 21, 2019

RE: Tribal Notification to Request Advice and Comments Letter 19-04: Proposed Amendments to NMAC rules 8.200.400, 8.200.430 and 8.296.400

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 Standard Time (MST) on April 25, 2019** regarding proposed amendments to the New Mexico Administrative Code (NMAC) rules 8.200.400, *Medicaid Eligibility-General Recipient Rules - General Medicaid Eligibility*, 8.200.430, *Medicaid Eligibility-General Recipient Rules - Recipient Rights and Responsibilities*, and 8.296.400, *Medicaid Eligibility-Other Adults – Recipient Requirements*.

HSD is revising rules at 8.200.400 NMAC to allow for three months of retroactive Medicaid for most Medicaid categories. Currently most Medicaid managed care individuals are limited to one month of retroactive Medicaid prior to their application month. This rule change allows for three months of retroactive Medicaid prior to the application month.

HSD is revising rules at 8.200.430 NMAC to remove references to co-payments. HSD is not implementing co-payments for any Medicaid recipients.

HSD is revising rules at 8.296.400 NMAC to remove language that implements premiums for the Other Adult Medicaid category for certain individuals. There will be no premiums for the Other Adult Medicaid category.

Estimated Total Financial Impact

There is no fiscal impact to removing co-payment and premium language from 8.200.430 and 8.296.400 NMAC as co-payments and premiums were not implemented.

There is an estimated fiscal impact of \$5,186,000 (\$4,568,000 in federal funds and \$618,000 in general funds) per state fiscal year for allowing three months of retroactive Medicaid for most Medicaid managed care individuals as opposed to one month.

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: March 26, 2019

Hearing Date: April 25, 2019

Adoption Date: Proposed as July 01, 2019

Technical Citations: 42 CFR 435.915, SSA 1916 and 1916A

Tribal Impact

Eliminating references to co-payments and premiums has no tribal impact. Tribal individuals are exempt from co-payments and premiums and these rule changes remove language that would have been applicable to other Medicaid recipients.

Allowing individuals to apply for three months of retroactive Medicaid as opposed to one month prior to the application month for most managed care members has some tribal impact. Tribal individuals who enroll into managed care, as opposed to remaining fee-for-service, are currently limited to one month of retroactive Medicaid. The rule change allows for three months of retroactive Medicaid for most Medicaid categories regardless of managed care enrollment.

Tribal Advice and Comments

Tribes and tribal health care providers may view the proposed 8.200.400, 8.200.430, and 8.296.400 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>. *Notification Letter 19-04.*

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.

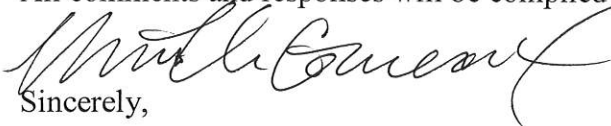
Important Dates

A public hearing on these rules is scheduled to be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on April 25, 2019 at 9:00 a.m. MST.

Written advice and comments must be received no later than 5:00 p.m. MST on April 25, 2019.

Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by email to theresa.belanger@state.nm.us.

All comments and responses will be compiled and made available after May 09, 2019.


Sincerely,

Nicole Comeaux, J.D., M.P.H, Director
Medical Assistance Division

cc: Kari Armijo, HSD/MAD Deputy Director
Theresa Belanger, Native American Liaison, HSD/MAD

HSD/MAD Eligibility Bureau
HSD/MAD Program Policy Bureau