



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

December 31, 2020

RE: Tribal Notification to Request Advice and Comments Letter 20-27: Federally Qualified Health Center (FQHC) Designation

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 comments until **5:00 p.m. Mountain Time (MT) January 30, 2021**, regarding State Plan Amendment (SPA) 20-0022, Federally Qualified Health Center (FQHC) Designation.

SPA 20-0022 will change the FQHC designation effective January 31, 2021. This change in designation will allow an Indian Health Care Provider (IHCP) meeting the P.L. 93-638 requirement to designate their healthcare clinic as a FQHC, without meeting any other requirement. The change in designation may be requested; it will not be automatic.

For services provided to Native Americans by a qualified facility operated by the Indian Health Service (IHS), tribal government(s), or IHCP, the applicable Office of Management and Budget (OMB) rate will be paid as published and specified in the Federal Register.

For qualified facilities operated by Indian Health Care Providers that contract with the Medicaid agency as a FQHC, an alternative payment method (APM) is allowed. The APM rate for services provided by an IHCP is set at the OMB rate.

Tribal Impact

This change is a positive one for Indian Nations, Tribes, Pueblos and their health care providers. The change removes previous requirements which prohibited some Indian Health Care Providers from being designated as FQHCs. This change will allow IHCPs to provide services outside the "four walls" of the FQHC and receive reimbursement at the OMB rate.

Tribal Advice and Comments

Tribes and their healthcare providers may view the proposed changes, on the HSD webpage at:

<http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> Tribal Notification 20-27.

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) January 30, 2021. 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 on the HSD website at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> along with this notification letter. The public posting will include the name and any contact information provided by the commenter.

Sincerely,



Nicole Comeaux, J.D., M.P.H.
State Medicaid Director