



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

August 25, 2020

RE: Tribal Notification to Request Advice and Comments Letter 20-20: 8.320.2 NMAC, Early and Periodic Screening, Diagnostic and Treatment Special Rehabilitation (Family Infant Toddler Early Intervention) Services

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 Time (MT) on September 25, 2020** regarding proposed amendments to 8.320.2 NMAC, Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Special Rehabilitation (Family Infant Toddler Early Intervention) Services, which allows MAD to pay for Early Intervention Services furnished through the Family Infant Toddler (FIT) program for a Medical Assistance Program eligible recipient under 21 years of age that has or is at risk of having a developmental delay from birth to his or her third birth year. These services include evaluation, diagnostics and treatment necessary to correct or treat any defects or conditions or to teach compensatory skills for deficits that directly result from a medical or behavioral health condition. The appropriate information from evaluation and diagnostics is interpreted and integrated in an individual family service plan (IFSP). The Early Childhood Education and Care Department (ECECD) will begin administering the FIT Program effective July 1, 2020. This rule is being amended to update references regarding this change.

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

Section 8 is being amended to include the Department's mission statement.

Section 16 is being amended to change all references to Department of Health to Early Childhood Education and Care Department (ECECD).

**Tribal Impact**

HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers based on the proposed amendments to this rule.

## **Tribal Advice and Comments**

Tribes and tribal healthcare providers may view the proposed 8.320.2 NMAC on the HSD web page at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> *Notification Letter 20-20.*

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 this rule is scheduled be held via conference call on Friday, September 25, 2020 at 11:00 a.m., MT. Conference Number: 1-800-747-5150. Access Code: 2284263.**

**Written advice and comments must be received no later than 5:00 p.m. MT on September 25, 2020.** 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](mailto:theresa.belanger@state.nm.us).

All comments and responses will be compiled and made available after October 16, 2020.

Sincerely,



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

cc: Sharilyn Roanhorse-Aguilar, Bureau Chief, HSD/MAD/Exempt Services & Programs  
Theresa Belanger, Native American Liaison, HSD/MAD  
Christie Guinn, School Health Manager, HSD/MAD/Exempt Services & Programs