



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

August 25, 2020

RE: Tribal Notification to Request Advice and Comments Letter 20-09: Proposed Amendments to 8.200.510 NMAC and 8.200.520 NMAC

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 pm Mountain Time (MT) on September 25, 2020** regarding proposed amendments to the New Mexico Administrative Code (NMAC).

*8.200.510 NMAC Medicaid Resource Standards* are being updated due to the annual cost of living increase (COLA) that went into effect January 01, 2020. The Department is re-promulgating this section of the rule in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

*8.200.520 NMAC Medicaid Eligibility Income Standards* will be amended in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program categories of eligibility effective April 01, 2020.

### **Estimated Total Financial Impact**

The financial impact of the 2020 FPL and COLA guidelines may result in an increased cost to the Human Services Department as more individuals may become eligible due to the higher income and resource standards.

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 25, 2020.

Hearing Date: September 25, 2020.

Adoption Date: COLA Proposed and filed as January 01, 2020. FPL Proposed and filed as April 01, 2020.

Technical Citations: 42 USC Section 9902 (2), Federal SSI and Spousal Impoverishment Standards, and SSA COLA Fact Sheet.

### **Tribal Impact**

The impact of these rule changes to Native Americans is that implementation of the 2020 FPL and COLA may result in more Native Americans being eligible for Medicaid.

### **Tribal Advice and Comments**

Tribes and tribal health care providers may view the proposed 8.200.510 and 8.200.520 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>. *Notification Letter 20-09.*

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 via conference call 9:00 a.m. MT on Friday, September 25, 2020. Conference Number: 1-800-747-5150. Access Code: 2284263.**

**Written advice and comments must be received no later than 5:00 pm Mountain Time (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 13, 2020.

Sincerely,



Nicole Comeaux, Director  
Medical Assistance Division

cc: Theresa Belanger, Native American Liaison, HSD/MAD  
HSD/MAD Eligibility Bureau  
HSD/MAD Policy and Provider Services Bureau