



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

August 25, 2021

**RE: Tribal Notification to Request Advice and Comments Letter 21-17: Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID)**

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) September 25, 2021**, regarding proposed State Plan Amendment 21-0010 Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).

The ICF/IID changes are being made to align with 42 CFR 456.360 Subpart F. HSD is amending language for the initial admission and for continued stays.

Admission criteria is amended to clarify who is a qualified provider to certify need for care. Language is included to clarify the documentation required for the provider to be reimbursed by Medicaid.

Continued stay review is amended to change the required review date from 6 months to at least every 12 months.

**Tribal Impact**

There is no anticipated impact associated with these amendments.

**Tribal Advice and Comments**

Tribes and tribal health care providers may view the proposed changes on the HSD website at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>, Tribal Notification **21-17**.

**Important Dates**

**Written comments must be submitted by 5:00 p.m. Mountain Time (MT) on September 25, 2021.** Please send your comments to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us). All written comments received will be posted as they are received on the HSD website at:

<https://www.hsd.state.nm.us/providers/written-tribal-consultations/> along with the applicable notification letter. The public posting will include the name and any contact information provided by the commenter.

Sincerely,



Nicole Comeaux, Director  
Medical Assistance Division

cc: Lorelei Kellogg, HSD/MAD Deputy Director  
Theresa Belanger, Native American Liaison, HSD/MAD