



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

February 6, 2023

RE: Tribal Notification to Request Advice and Comments Letter 23-01: Former Foster Care Children (FFCC)

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) March 8, 2023**, regarding state plan amendment (SPA) 23-0005 Former Foster Care Children (FFCC).

Effective January 1, 2023, changes are being made to the FFCC group to comply with changes made to Section 1002(a) of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act. One change mandates that eligibility for the FFCC group be allowed for individuals who age out of foster care from another state than where they currently live. New Mexico already allows coverage for FFCC group individuals who age out of foster care from another state through an 1115 Waiver. New Mexico will continue to include individuals who aged out of foster care from another state prior to January 1, 2023 through the 1115 Waiver; the new State Plan change applies only to individuals who aged out of foster care from another state on or after January 1, 2023. A second change of the SUPPORT Act provides that individuals who meet the eligibility requirements of the FFCC group may be enrolled in that group, even if they meet the eligibility requirements for another mandatory group, as long as they are not actually enrolled in such group.

Tribal Impact

HSD anticipates a positive impact for Indian Nations, Tribes, and Pueblos and their health care providers with this change.

Tribal Advice and Comments

Tribes and their healthcare providers may view the proposed changes, on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> **Tribal Notification 23-01**.

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) March 8, 2023. Please send your comments to the MAD Native American Liaison, **Theresa Belanger**, at (505) 670-8067 or by email at: Theresa.Belanger@hsd.nm.gov. All written comments received will be posted on the HSD

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

Tribal Leadership may request a government-to-government consultation by March 8, 2023. This request may be made to: Theresa.Belanger@hsd.nm.gov or by calling (505) 670-8067.

Sincerely,



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