



Michelle Lujan Grisham, Governor
Kari Armijo, Acting Secretary
Lorelei Kellogg, Acting Medicaid Director

September 27, 2023

RE: Tribal Notification to Request Advice and Comments Letter 23-16: Recovery Audit Contractor (RAC).

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) October 27, 2023**, regarding state plan amendment (SPA) 23-0015 Recovery Audit Contractor (RAC).

Effective October 1, 2023, New Mexico Medicaid will discontinue the Recovery Audit Contractor (RAC) program. These changes are being made due to the State having a high managed care population of 83% as compared to 17% under the Fee for Service program. Managed Care claims are excluded from RAC reviews; therefore, the state does not project any large recoveries for the RAC program. Thus, the state will discontinue the RAC program.

Tribal Impact

HSD does not anticipate any 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 23-16.**

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) October 27, 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 October 27, 2023.
This request may be made to: Theresa.Belanger@hsd.nm.gov or by calling (505) 670-8067.

Sincerely,



Lorelei Kellogg
Acting State Medicaid Director