



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

May 23, 2023

Interested Parties:

The New Mexico Human Services Department (HSD), through the Medical Assistance Division (MAD), is providing this notice of opportunity to comment on proposed State Plan Amendment (SPA) 23-0009 Nonprescription Drugs.

Effective July 1, 2023, New Mexico Medicaid is updating its state plan to comply with regulatory changes. The state plan pages are being revised as follows:

1. In accordance with 1927(d)(4) of the Social Security Act, verbiage has been added to specify that elective nonprescription (over-the-counter) medications will be covered as listed on the state's website or in the state's provider manual.
2. In accordance with Section 5008 of the 21st Century Cures Act (Cures Act) which amended Section 1903(i)(21) of the Social Security Act, the reference to agents used for cosmetic purposes or hair growth has been deleted.
3. In accordance with Section 2502 of the Affordable Care Act which amends section 1927(d)(2) of the Social Security Act, the provisions related to barbiturates, benzodiazepines and smoking cessation drugs has been removed.

There is no financial impact associated with this change.

OPPORTUNITY TO VIEW DOCUMENTS AND MAKE COMMENTS

Medicaid providers, Medicaid recipients, and other interested parties are invited to make comments on this proposed SPA. The complete draft SPA may be found on the Department's website at: <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>

A written copy of these proposed documents may be requested by contacting the HSD Medical Assistance Division (HSD/MAD) in Santa Fe at (505) 827-1337.

Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to HSD-madrules@state.nm.us. **All comments must be received no later than 5:00 p.m. MT on June 25, 2023.** Written or e-mailed comments are preferred because they become part of the record associated with these changes.

Interested persons may address written comments to:

Human Services Department

Office of the Secretary
ATTN: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Copies of all comments will be made available by HSD/MAD upon request by providing copies directly to a requestor or by making them available on the HSD/MAD website or at a location within the county of the requestor.