



HEALTH CARE  
AUTHORITY

**Michelle Lujan Grisham, Governor**  
Kari Armijo, Secretary  
Dana Flannery, Medicaid Director

April 25, 2025

**RE: Tribal Notification to Request Advice and Comments Letter 25-09: Four Wall Exception SPA**

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's Health Care Authority (HCA) Tribal Notification to Request Advice and Comments process, this letter is to inform you that the HCA, Medical Assistance Division (MAD), is accepting comments until **5:00 p.m. Mountain Time (MT) May 27, 2025** regarding the Four Walls Exception state plan amendment (SPA).

Effective January 1, 2025, New Mexico Medicaid will comply with the Medicare Hospital Outpatient Prospective Payment System (OPPS) and Ambulatory Surgical Center (ASC) Payment System final rule 42 CFR 440.90 amendment to assure coverage for clinic services outside of the "four walls" of Indian Health Service (IHS)/Tribal clinics.

The estimated total financial impact is \$0 in federal funds for FFY 25 and \$0 in federal funds for FFY 26 as this submission addresses administrative changes to reflect the permanent continuation of a flexibility that has existed for IHS and Tribal clinics and reflects the movement of New Mexico's approved State Plan clinic benefit to CMS' standardized preprint.

**Tribal Impact**

The HCA anticipates a positive impact for Indian Nations, Tribes, and Pueblos and their health care providers with this change as it recognizes the unique needs of these clinics and allows clinics to provide Medicaid-covered services beyond their physical premises.

**Tribal Advice and Comments**

Tribes and their healthcare providers may view the proposed changes on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-notification-letters/25-09>.

**Important Dates**

**Written comments must be submitted by 5:00 p.m. Mountain Time (MT) May 27, 2025.**

Please send your comments to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email at: [Theresa.Belanger@hca.nm.gov](mailto:Theresa.Belanger@hca.nm.gov). All written comments received will be posted on New Mexico Medicaid website at: <https://www.hca.nm.gov/providers/written-tribal->

[notification-letters/](#) 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 **May 27, 2025**. This request may be made to [Theresa.Belanger@hca.nm.gov](mailto:Theresa.Belanger@hca.nm.gov) or by calling (505) 670-8067.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Flannery', written over a light blue horizontal line.

Dana Flannery  
State Medicaid Director