

Administrative Office of the Courts

Supreme Court of New Mexico

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To: Behavioral Health Executive Committee Members
From: Pamela Trujillo, AOC Behavioral Health Reform and Investment Act Program Manager
Date: August 6, 2026
RE: AOC Recommendations for Tribal Priority Plan Process

Dear Behavioral Health Executive Committee Members,

The AOC is recommending the formal adoption of a process for approving Tribal Priority Plans. In this document, we outline the brief history of Tribal plans, the Tribal Plan Template, the various ways Pueblos, Tribes, and Nations (“PTNs”) are engaging with BHRIA, two potential process options for the BHEC’s consideration, and finally, considerations and questions for the BHEC.

Over the last several months, the terms “Tribal Plan”, “Tribal Priority Plan” and “Tribal Addendum” have been used interchangeably. AOC utilizes the term ‘Tribal Priority Plan’ throughout the remainder of these recommendations.

History of Tribal Plans (June 2025-Present)

The Health Care Authority (“HCA”), with the subsequent endorsement of the BHEC, established a funding formula that includes a Tribal “set-aside” exclusively for use by PTNs within each region. After consultation with the HCA, the AOC’s initial approach was to inform the Accountable Entities and PTNs that the “set-aside” money would need to flow from HCA to the Accountable Entity (local government) and then to the PTN, and that HCA was not going to mandate how the ‘set-aside’ was distributed amongst a region’s PTNs. The overwhelming response from PTNs regarding this approach was criticism of the lack of a government-to-government relationship regarding funding, meaning directly from the state to the PTN. This issue has been raised repeatedly in AOC’s monthly reports.

In an effort to bring clarity to PTNs and Regions, the AOC identified a potential avenue for allowing PTNs to develop, consistent with the Region’s identified priorities, a Tribal Priority Plan in order to access the ‘set-aside’ funds directly from the state.

It should be noted that, with the lack of clarity around tribal funding, one Region took an alternative approach. Region 11 requested that the Navajo Nation and Zuni Pueblo become “Co-Accountable Entities” in order for them to receive funding directly from the state. The AOC has not weighed in on this approach, as designation of a government entity lies with the BHEC.

Tribal Priority Plan Template (December 2025-February 2026)

The Tribal Priority Plan Template was developed to mirror the Regional Plan Template. AOC has guided PTNs to ensure the Tribal Priority Plan is consistent with the applicable Regions' identified priorities. To date, no Tribal Plan has identified a project falling outside the scope of their Region's identified priorities.

Tribal Partner Participation in Behavioral Health Reform and Investment Act (BHRIA)

While there are no statutory requirements or guidance for tribal participation in BHRIA, the following approaches have emerged through practice as the primary mechanisms by which tribes have engaged in the planning process. Tribal Partners may elect to:

1. **Sign onto the Regional Plan.** PTN's may join the Regional Plan as a signatory, formally agreeing with the collective goals, strategies, and priorities. The PTN is able to apply for and potentially receive funding through the AE.

Example: Jicarilla Apache Nation

2. **Submit a Tribal Priority Plan as an Addendum to the Regional Plan.** PTNs may develop and submit a Tribal Priority Plan to be appended to the Regional Plan, ensuring Tribe-specific projects are formally documented and incorporated into the Regional Plan. A Tribal Priority Plan must tie to the Region's identified priorities. This process would allow for the BHEC to approve the Tribal Priority Plan, and subsequently disburse the set-aside funding.

Example: Laguna and San Ildefonso

3. **Sign onto the Regional Plan and Submit a Tribal Priority Plan.** PTNs may pursue both avenues simultaneously—joining the Regional Plan as a signatory while also submitting a Tribal Priority Plan as an addendum to access the tribal set-aside allocation—thereby participating in the broader regional effort while preserving a distinct record of Tribal-specific priorities that are in alignment with the regional priorities.

Example: Mescalero Apache

4. **Elect Not to Participate at This Time.** PTNs may choose not to participate in BHRIA at present. This decision does not preclude future involvement; the option to participate remains available at any point, and Tribal Partners retain the ability to engage through any of the above pathways whenever they determine it is appropriate to do so.

Example: Ohkay Owingeh and Santa Clara

Generally, PTNs must receive approval from their leadership before formally committing to any approach. The options are intended to ensure Tribal sovereignty is respected throughout the BHRIA process, and that each PTN retains discretion over the timing, method, and extent of its participation.

Tribal Priority Plan Process Options

Proposed Process Option 1

1. Tribal Priority Plan Submitted to HCA

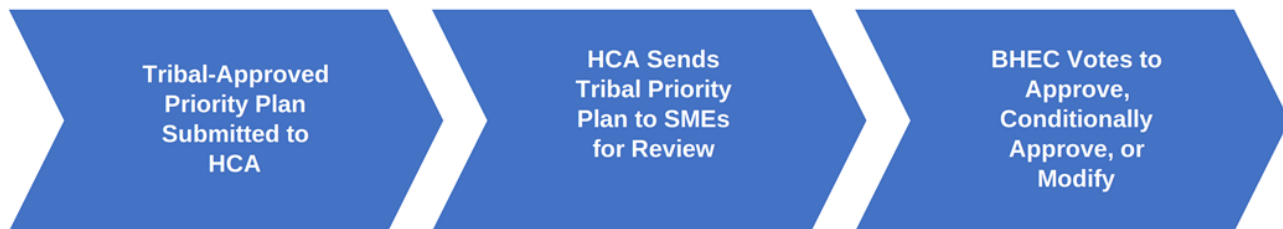
PTN submits its Tribal Priority Plan for the tribal set-aside as an addendum to the Regional Plan directly to HCA. Copying the AOC and the Accountable Entity.

2. HCA Sends Tribal Priority Plan to Subject Matter Experts (SMEs) for Review

HCA then routes the tribal priority plan to relevant SMEs for substantive review. Then HCA will send the review to the BHEC for review, feedback, and eventual vote.

3. BHEC Votes to Approve, Conditionally Approve, or Modify

BHEC reviews the SME-vetted plan and votes to either approve it outright or conditionally approve it pending clarification or modification.



*The Accountable Entity and the Administrative Office of the Courts must be copied on the email when the Tribal Priority Plan is sent to HCA.

Proposed Process Option 2

1. Tribal Priority Plan Submitted to Accountable Entity

PTN submits its Tribal Priority Plan for the tribal set-aside directly to their Region's Accountable Entity.

2. Accountable Entity Sends Tribal Priority Plan to HCA

Once the Accountable Entity has received the submission, the Accountable Entity forwards the Tribal Priority Plan as an Addendum to the overall Regional Plan to the HCA, copying the AOC.

3. HCA Sends Tribal Priority Plan to Subject Matter Experts (SMEs) for Review

HCA then routes the tribal priority plan to relevant SMEs for substantive review. HCA would then send the review to the BHEC for review, feedback, and eventual vote.

4. BHEC Votes to Approve, Conditionally Approve, or Modify

The BHEC reviews the SME-vetted plan and votes to either approve it outright or conditionally approve it pending clarification or modification.



*The Administrative Office of the Courts must be copied on the email when the Tribal Priority Plan is sent to HCA.

Considerations and Open Questions

Before finalizing adoption, the AOC suggests clarification of some operational details:

- The current “set-aside” includes allocations for some non-federally recognized chapters of the Navajo Nation and excludes others. Additionally, Fort Sill Apache (Region 6) does not have a “set-aside”.
- Will Accountable Entity responsibilities for governance, implementation, and reporting be expressly written into the funding agreement between HCA and the Accountable Entity?
- How will SMEs be assigned for reviewing a Tribal Priority Plan?
- If a plan is conditionally approved, what is the process and timeline for the Accountable Entity or Pueblo, Tribe, and Nations to submit the requested clarifications or modifications back to BHEC?

Next Steps

The AOC strongly recommends BHEC adopt either of the above proposed process options or another process for the Tribal Priority Plans, but finality is paramount at this juncture for both Accountable Entities and PTNs. The AOC would draft and disseminate a one-page process summary to Accountable Entities and PTNs once the BHEC has confirmed these details.

Sincerely,



Pamela Trujillo
Behavioral Health Reform and Investment Act Program Manager
Administrative Office of the Courts