

Mondragon, Tabitha, HCA

From: Mary M Ramos <MRamos@salud.unm.edu>
Sent: Thursday, July 25, 2024 11:54 AM
To: HCA-madrules
Cc: Ramos, Mary
Subject: [EXTERNAL] ATTN: Medical Assistance Division Public Comments NMAC rule 8.321.2 NMAC

Attachments: Letter to NMAC hearing re Medicaid billing for adolescent SBIRT.July 24.2024.Mary.Ramos.signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Secretary Armijo, Human Services Department,

Thank you for allowing us to provide comment and please see the attached. We look forward to continued close collaborations to improve the health of our pediatric population in New Mexico.
Best,

Mary M Ramos, MD, MPH
Associate Professor
Medical Director, UNM SBHC Program
Director and Adviser, Dual Degree MD/MPH, Preventive Medicine Residency MPH and HSC Fellowship MPH Programs
University of New Mexico School of Medicine
Department of Pediatrics, Division of Adolescent Medicine,
MSC 10 5590
1 University of New Mexico
Albuquerque, New Mexico 87131-0001
cell: 505-498-7051

July 24, 2024

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

Dear Secretary Armijo:

Thank you for the opportunity to make public comment on the proposed New Mexico Administrative Code (NMAC) Section 8.321.2, "Specialized Behavioral Health Provider Enrollment and Reimbursement." As a pediatrician at the University of New Mexico School of Medicine, Department of Pediatrics, Division of Adolescent Medicine, I am pleased to share feedback, both in the form of specific revision suggestions and more general comments about additions. The Department of Pediatrics, Division of Adolescent Medicine thanks the Human Services Department for adding coverage for SBIRT (Screening Brief Intervention & Referral to Treatment) for the adolescent population, which is an important policy change. We believe this addition will help school-based health centers (SBHCs) and other youth-serving clinical practices prevent adolescent substance use and misuse and increase access to early treatment for adolescent substance use and misuse. To best achieve that shared goal, I recommend the following revisions to the proposed Section 8.321.2 to align that regulation with the Children's Mental Health and Developmental Disabilities Act, NMSA 1978, § 32A-6A-1 et seq. regarding consent to treatment and confidentiality. We would be happy to meet with you to answer any questions or discuss further.

SUGGESTED REVISIONS:

Title 8, Chapter 321, Part 2
Section 35, Item C

HSD/MAD proposed language:

"Identified population:

- (1) MAD recipient adolescents 11-13 years of age with parental consent;
- (2) MAD recipient adolescents 14-18 years of age;
- (3) MAD recipient adults 19 years and older."

Proposed change: Various state statutes in New Mexico do address when minors may consent to treatment. Admittedly, in the context of the Children's Mental Health and Developmental Disabilities Act, the categories outlined by the Human Services Department somewhat align with the precise provisions of that Act, but are misaligned in a very significant aspect. The current proposed language requiring parental consent for 11-13 year olds does not align with the Children's Mental Health and Developmental Disabilities Act or with other state statutes that give certain minors decision-making rights. Accordingly, we would urge that the language simply reference state law for the provision of care to minors. I would suggest that numbers (1) and (2) be replaced with one item with the language: "MAD recipient adolescents 11-17 years of age, in accordance with applicable state laws related to minor consent and confidentiality" with number (3) becoming a revised number (2) with the language changed to

“MAD recipient adults 18 years and older.” This better reflects minors as one separate category and would not require revision should state law change.

Section 35, Item D

1) HSD/MAD proposed language:

“Covered services:

- (1) SBIRT screening with negative results eligible for only screening component;
- (2) SBIRT screening with positive results for alcohol, or other drugs, and co-occurring with depression, or anxiety, or trauma are eligible for:

(a) screening; and

(b) brief intervention and referral to behavioral health treatment, if needed

Proposed change: I would urge that HSD/MAD revise to remove any obstacles to screening and treatment by requiring co-occurrence of disorders. New suggested language would be: (1) SBIRT screening, whether screening results are positive or negative; (2) Brief intervention and referral to behavioral health treatment when SBIRT screens are positive for alcohol or other drugs with or without positive screens for depression, anxiety or trauma.” Otherwise, there is an unnecessary limitation that reduces access to care and intervention.

The UNM School of Medicine, Department of Pediatrics, Division of Adolescent Medicine, is the New Mexico Behavioral Health Services Division’s contracted partner in developing and providing SBIRT trainings for school-based health centers and pediatric providers as part of a certification process for Medicaid billing eligibility. Our trainings, of course, will be consistent with state statutes and applicable regulations. The Department of Pediatrics, Division of Adolescent Medicine humbly requests that the Human Services Department make the revisions proposed above, so that this NMAC regulation aligns with existing state statutes. We are excited to partner with the state and begin providing training and support to providers to ensure the growth and success of SBIRT in New Mexico.

Thank you for your time and attention and we look forward to the continued partnership to improve the health of our pediatric population in New Mexico.

Sincerely,

Mary Ramos, MD, MPH
Digitally signed by
Mary Ramos, MD, MPH
Date: 2024.07.25
11:41:30 -06'00'

Mary Ramos, MD, MPH
Associate Professor
Medical Director, UNM SBHC Program
Director and Adviser, Dual Degree MD/MPH, Preventive Medicine Residency MPH and HSC Fellowship MPH Programs
University of New Mexico School of Medicine
Department of Pediatrics, Division of Adolescent Medicine,
MSC 10 5590
1 University of New Mexico
Albuquerque, New Mexico 87131-0001