



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
HUMAN SERVICES DEPARTMENT

II. SUBJECT
8.308.12 NMAC, MANAGED CARE PROGRAM, COMMUNITY BENEFIT

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULE

V. BACKGROUND SUMMARY

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to repeal and replace the New Mexico Administrative Code (NMAC) rule 8.308.12, Managed Care Program, Community Benefit. This amendment implements a change of approved cost limits for Environmental Modifications and Community Transition Services, as well as adding additional language clarifying Electronic Visit Verification (EVV) requirements for respite services under the community benefit program.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: July 31, 2023

Hearing Date: August 30, 2023

Adoption Date: December 1, 2023

Technical Citations: New Mexico Section 1115 Demonstration Waiver Amendment #2

The Department is proposing to amend the rule as follows:

Section 8.308.12.8 is updated to include the department's current mission statement.

Section 8.308.12.13.D.3 is updated to reflect the change in cost limits for Community Transition Services.

Section 8.308.12.13.G.5 is updated to reflect the change in cost limits for Environmental Modifications.

Section 8.308.12.13.L is updated to add additional language clarifying Electronic Visit Verification requirements for respite services.

Several changes have been made throughout the NMAC to align with formatting requirements.

VI. RULE

These proposed rule changes will be contained in 8.308.12 NMAC. This register and the proposed rule are available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective December 1, 2023.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held **via conference call** on August 30, 2023, at 9:00 a.m., Mountain Time (MT). **Conference phone number: 1-800-747-5150. Access code: 2284263.**

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

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

IX. ADDRESS

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

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: HSD-madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on August 30, 2023. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

X. PUBLICATION

Publication of this rule approved by:

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KARI ARMIJO, ACTING SECRETARY
HUMAN SERVICES DEPARTMENT