



HEALTH CARE
AUTHORITY

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

March 25, 2025

RE: Tribal Notification to Request Advice and Comments Letter 25-07: 8.312.2 NMAC, Long Term Care Services – Nursing Services, Nursing Facilities.

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 Health Care Authority’s (HCA’s) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HCA, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m., Mountain Time (MT) on April 24, 2025**, regarding proposed amendments to 8.312.2 NMAC, Long Term Care Services – Nursing Services, Nursing Facilities. The Department is re-promulgating these sections of the rules in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

The HCA is proposing the following amendments:

The New Mexico Health Care Authority (HCA), Medical Assistance Division (MAD) received approval from the Centers for Medicare & Medicaid Services (CMS) to implement per diem add-on rate for Ventilator Services provided in long-term and skilled nursing facilities in New Mexico authorized under State Plan Amendment (SPA) 21-0012, Nursing Facility (NF) Ventilator Services. The services enable Medicaid recipients to remain in New Mexico, reduce out-of-state family travel burden and allow for better member care coordination. The amendments to the rule allow per diem add-on costs of providing all-inclusive skilled nursing care services to the ventilator dependent resident.

Additional amendments to the NMAC include:

1. Section 7 is amended to update the language of “DOH DDS” to “HCA DDS”.
2. Section 8 is amended to include the Department’s current Mission Statement.
3. Updated HSD to HCA throughout the NMAC.
4. Throughout the NMAC changes have been made to align with formatting requirements.

Tribal Impact

The HCA does not anticipate any impact for Indian Nations, Tribes, and Pueblos and their health care providers with these changes.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.312.2 NMAC on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. *Notification letter 25-07.*

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

Important Dates

A public hearing to receive testimony on this proposed rule will be held on April 24, 2025, at 9:30am. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Teams.

Join Teams Meeting

[Join the meeting now](#)

Meeting ID: 266 823 212 501

Passcode: gR2PV9Cb

Dial in by phone

[+1 505-312-4308,,874382682#](tel:+15053124308874382682) United States, Albuquerque

[Find a local number](#)

Phone conference ID: 874 382 682#

Written advice and comments must be received no later than 5:00 p.m. MT on April 24, 2025.

Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to theresa.belanger@hca.nm.gov.

Sincerely,



Dana Flannery, Director
Medical Assistance Division