



HEALTH CARE  
AUTHORITY

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

May 19, 2025

RE: Tribal Notification to Request Advice and Comments Letter 25-11:

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 June 23, 2025**, regarding proposed amendments to *8.281.600 NMAC, Medicaid Eligibility-Benefit Description* and *8.290.600 NMAC, Medicaid Eligibility-Benefit Description*.

**The HCA is proposing the following amendments:**

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: May 20, 2025

Hearing Date: June 23, 2025

Adoption Date: November 1, 2025

Technical Citations: 42 CFR 435.201 and 435.217

### **Background**

The HCA is revising our Institutional Care and Home-and Community-Based Waiver services level of care (LOC) sections to remove outdated language and add clarifying language.

**The Health Care Authority is proposing to amend the rules as follows:**

### **8.281.600 NMAC**

Section 12 B is revised to add the term "designated third party assessor" who can make level of care (LOC) determinations. Language is also added that LOC determinations are completed annually, "for all institutional Medicaid programs."

Other minor language changes were made throughout this rule for NMAC consistency.

### **8.290.600 NMAC**

Section 12 B is revised to add the term "designated third party assessor" who can make level of care (LOC) determinations. Language is also added that LOC determinations are completed annually, "for home and community-based waiver programs." Outdated text is removed from this section.

Other minor language changes were made throughout this rule for NMAC consistency.

**Estimated Total Financial Impact**

There is no fiscal impact for this rule change.

**Tribal Impact**

There is not a tribal impact for this rule change.

**Tribal Advice and Comments**

Tribes and tribal healthcare providers may view the proposed 8.281.600 and 8.290.600 NMAC on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. **Notification letter 25-XX.**

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 **June 23, 2025, at 9:30 a.m. MT**. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Teams.

**Join Teams Meeting**

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

**Meeting ID:** 254 306 040 43

**Passcode:** cd2J2LU9

**Dial in by phone**

[+1 505-312-4308,,762698817#](#) United States, Albuquerque

[Find a local number](#)

Phone conference ID: 762 698 817#

**Written advice and comments must be received no later than 5:00 p.m. MT on June 23, 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](mailto:theresa.belanger@hca.nm.gov).

Sincerely,



Dana Flannery, Director  
Medical Assistance Division