



Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
Alanna Dancis, Acting Medicaid Director

September 4, 2026

RE: Tribal Notification to Request Advice and Comments Letter 26-23: Proposed Amendments to 8.320.2 NMAC

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 (Indian Health Services/PL93-638) 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 October 9, 2026**, regarding proposed amendments to the New Mexico Administrative Code (NMAC) rule 8.320.2, *Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services*.

Background

The Department is proposing the following changes to align with CMS requirements and to implement EPSDT Pediatric Palliative and Concurrent Care Services per 2026 Legislative Bills, Senate Memorial 2 and House Memorial 35.

The HCA is proposing to amend the rule as follows:

Section 7 has been added to capture the definitions.

Section 8 is being amended to include the Department's current mission statement.

Section 10 is being amended to add language expanding coverage of medically necessary services beyond those included in the state plan to align with CMS requirements.

Section 14 is being amended to remove the Electronic Health Record (HER) incentive program as the program ended in 2022.

Section 15 is being amended to update medical and dental screening guidelines to reflect current professional recommendations from the American Academy of Pediatrics (AAP), Bright Futures, and the American Academy of Pediatric Dentistry (AAPD).

Section 16 is being updated to capture the department responsible for furnishing Early and Periodic Screening, Diagnostic and Treatment (EPSDT) special rehabilitation services.

Section 21 is a new section added to establish coverage for EPSDT Pediatric Palliative & Concurrent Care Services.

Throughout the NMAC, minor edits are being made for clarification, rule references and to ensure compliance with formatting and language requirements.

Estimated Total Financial Impact

HCA does not anticipate any financial impact for the Indian Nations, Tribes, and Pueblos and their health care providers with this change.

Tribal Impact

HCA anticipates a positive impact related to new and expanded services for 124,060 tribal members and their providers.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.320.2 NMAC on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. **Notification letter 26-23.**

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 October 9, 2026, at 11:00 a.m., Mountain Time (MT). The hearing will be held in the Large Conference Room of the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting

Join: <https://teams.microsoft.com/meet/288553103356022?p=UuVE0RGjflD7cDvyxk>

Meeting ID: 288 553 103 356 022

Passcode: d9EA7Hf7

Dial in by phone

[+1 505-312-4308](tel:+15053124308), [140523479](tel:+150523479) United States, Albuquerque

Phone conference ID: 140 523 479#

Written advice and comments must be received no later than 5:00 p.m. MT on October 9, 2026. Please send your advice, comments or questions to the MAD Native American Liaison, Pharon Morgan, at (505) 469-6877 or by email to pharon.morgan@hca.nm.gov.

Sincerely,



Alanna Dancis, Acting Director
Medical Assistance Division