



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

September 21, 2026

RE: Tribal Notification to Request Advice and Comments Letter 26-24: Proposed Amendments to 8.308.9 and 8.324.4 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 23, 2026**, regarding proposed amendments to the New Mexico Administrative Code (NMAC) rule 8.308.9, *Managed Care Program, Benefit Package* and 8.324.4, *Adjunct Services, Pharmacy Services, Prescribing, and Practitioner Administered Drug Items*.

Background

HCA is proposing to amend 8.308.9 and 8.324.4 NMAC to include required changes that resulted from the implementation of a unified Preferred Drug List (PDL), an amendment to the Prior Authorization Act, NMSA 1978, expanded coverage of over-the-counter items and diabetic equipment, supplies, and appliances.

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

Throughout both NMACs:

1. Language has been added to include the prescription drug formulary or PDL as directed by the Agency for coverage of generic drugs first that are available from multiple manufactures as equivalent and interchangeable generic versions unless a Brand name drug is determined to be more economical to cover on the PDL over the generic.
2. Language has been amended to remove prior authorization or step therapy requirements for FDA approved drugs as outlined in the 2025 Legislative Session, Senate Bill 39, which amends the Prior Authorization Act, NMSA 1978.
3. Language has been added to expand over-the counter items in the therapeutic classes as listed in the HCA/MAD website.

4. Language has been amended to update coverage and reimbursement for diabetic supplies as outlined in the 2023 Legislative Session, House Bill 53.
5. Human Services Department (HSD) has been changed to Health Care Authority (HCA).
6. The mission statement has been amended to include the Departments current mission statement.
7. Amendments have been made to align with updated language and formatting requirements.

8.308.9 NMAC

Section 7

The definition for Serious Mental Illness has been added to align with updates to New Mexico Medicaid behavioral health services.

Section 12

This section has been updated to include services that have been added to the New Mexico Medicaid benefit package. NMAC citations have been updated to include the current NMACs.

Section 15

Children in state custody (CISC) have special healthcare needs and require timely well-child visits (WCV) upon entry into custody. This added language ensures CISC have a WCV within 30 days of entry into custody, the WCV satisfies all required services according to the child's age and needs and that the MCO will pay for this WCV, even if the child has had a recent WCV prior to custody.

Section 17

This section has been amended to include pregnant people with substance use disorder that causes newborn withdrawal symptoms after birth shall be referred to have a plan of safe care as part of the CARA program.

Section 19

This section has been updated to remove detailed service descriptions and to instead reference 8.321.2 NMAC and 8.321.12 NMAC which include completed behavioral health service descriptions.

Section 23

The Medicaid home visiting benefit has transitioned from an 1115 waiver to a Turquoise Care benefit. Medicaid home visiting programs are jointly overseen by the NM HCA and the Early Childhood Education and Care Department. Multiple evidence based programs support families, children, and pregnant or postpartum people.

8.324.4 NMAC

Section 14

Removed language on no drug coverage when a recipient has a gap in Medicare Part D and added language that MAD does not cover copayments for any annual out-of-pocket Medicare cost cap.

Section 15

Added and corrected language on counseling MAP eligible recipients upon receipt of a new prescription. An alternative form of patient information can supplement patient counseling when appropriate. Examples include, but are not limited to: pictogram labels, written information leaflets, and QR codes that link to digital drug information.

Section 16

Language is added to clarify that pregnancy termination services are paid through state funds only.

Estimated Total Financial Impact

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

Tribal Impact

HCA anticipates a positive impact due to a unified Preferred Drug List creates a single, consistent list of covered drugs for all facilities, which streamlines processes for providers and patients. This uniformity would reduce administrative burden, improve care coordination, and expand coverage and access to over the counter and diabetic supplies and services for tribal members and their providers.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.308.9 and 8.324.4 NMAC on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. ***Notification letter 26-24.***

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 these proposed rules will be held on **October 23, 2026, at 9:00 a.m. Mountain Time (MT)**. The hearing will be held in the ASD – Large Conference Room at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting

Join: <https://teams.microsoft.com/meet/243083888109509?p=6zDVEsKNmjKT06zSHI>

Meeting ID: 243 083 888 109 509

Passcode: Uc9r7Xa6

Dial in by phone

[+1 505-312-4308](tel:+15053124308).,[464885449#](tel:+15053124308) United States, Albuquerque

Phone conference ID: 464 885 449#

Written advice and comments must be received no later than 5:00 p.m. MT on October 23, 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,

A handwritten signature in black ink, appearing to read "Alanna Dancis". The signature is fluid and cursive, with the first name "Alanna" and last name "Dancis" clearly distinguishable.

Alanna Dancis, Acting Director
Medical Assistance Division