



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

8.308.12 NMAC MANAGED CARE PROGRAM COMMUNITY BENEFIT

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

FINAL RULE

V. BACKGROUND SUMMARY

New Mexico Human Services Register Vol. 39, No. 7, dated November 30, 2016, issued the proposed rule, 8.308.12 NMAC, Community Benefit.

A public hearing was held on December 28, 2016, to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) received 15 written comments.

Summary of Comments:

Timing of proposed changes

Commenter believes HSD should reconsider publication dates, and should not coincide with certain holidays to allow for more public input.

Department Response: This Rule change was scheduled based on the Home and Community Based Services (HCBS) Settings Rule Statewide Transition Plan timelines that have been communicated to CMS.

8.308.12.7 NMAC

Section H

Commenter is requesting the Department to clarify that the Comprehensive Needs Assessment (CNA) must identify all the ABCB or SDCB services for which the participant qualifies.

Department Response: The comment has been noted by the Department. The language stands as proposed.

Section I

Commenter is requesting the Department add “and” in the second line, either in front of or in replacement for the word “who”.

Department Response: The Department agrees and has added “and” to the sentence.

8.308.12.8 NMAC

RESERVED

Commenter expresses gratitude for removing mission statement.

Department Response: This comment has been noted by the Department.

8.308.12.13 NMAC

Section A, Subsection (3), Section B, Subsection (3)-(4), Section F, Subsection (5)

Commenter remains interested in the specificity of how HSD will comply with the extensive requirements of the CMS Settings Final Rule.

Department Response: This comment has been noted by the Department. The language stands as proposed.

Section H, Subsection (2)

Commenter expresses appreciation of the proposed changes to this section.

Department Response: This comment has been noted by the Department.

Section I, Subsection (5)

Commenter requests HSD to add sentence to clarify “Meal preparation and assistance”.

Department Response: The Department agrees and has deleted the language in this section.

Section K

Commenter expresses appreciation of the proposed changes to “Respite”.

Department Response: This comment has been noted by the Department.

Commenter expresses support of the proposed changes to section.

Department Response: This comment has been noted by the Department.

Section K, Subsection (4)

Commenter believes proposed language fails to eliminate a sufficient portion of the current rule, which imposes an arbitrary 100 hour cap.

Department Response: The Respite 100 hour limit is in the definition of Respite in Appendix D of the CMS Special Terms and Conditions (STCs) for the Centennial Care 1115 demonstration waiver. The language stands as is.

8.308.12.18 NMAC

Section B and Section D

Commenter remains interested in the specificity of how HSD will comply with the extensive requirements of the CMS Settings Final Rule.

Department Response: This comment has been noted by the Department. The language stands as proposed.

Section G

Commenter expresses appreciation of the proposed changes to “Homemaker services”.

Department Response: This comment has been noted by the Department.

Section H

Commenter disagrees with the proposed language of “Non-medical transportation services”, as not a covered service for minors.

Department Response: This comment has been noted by the Department. The language stands as proposed.

8.308.12.19 NMAC

Section Y

Commenter contests the “one hundred dollar per month” cap for cell phone service.

Department Response: This comment has been noted by the Department. The language stands as proposed.

VI. RULE

The above referenced rule will be contained in the Medical Assistance Division Program Policy Manual. The final register and rule is available on the HSD website at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and the corresponding rule is also posted on the HSD website at <http://www.hsd.state.nm.us/providers/rules-nm-administrative-code-.aspx>. If you do not have internet access, a copy of the final register and rule may be requested by contacting MAD in Santa Fe at 505-827-6252.

VII. EFFECTIVE DATE

This rule will have an effective date of March 1, 2017.

VIII. PUBLICATIONS

Publication of this rule approved by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT