



Michelle Lujan Grisham, Governor
David R. Scrase, M.D., Secretary
Nicole Comeaux, J.D., M.P.H., Director

May 10, 2019

RE: Tribal Notification to Request Advice and Comments Letter 19-08: Proposed Rule Amendment to 8.200.410 NMAC, General Recipient Rules – General Recipient Requirements

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 Human Services Department's (HSD's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m. Mountain Daylight Time (MDT) on June 14, 2019** regarding proposed amendments to 8.200.410 NMAC, General Recipient Rules – General Recipient Requirements effective August 1, 2019.

HSD is proposing rules at 8.200.410 NMAC to automatically enroll Medicaid eligible individuals into Medicare Part B who are enrolled in Medicare Part A and eligible for and not enrolled in Part B. House Bill (HB) 371 mandates that HSD promulgate rules and cover the Medicare Part B premium for individuals eligible for the Qualified Medicare Beneficiary (QMB) program who are not enrolled in Part B. HSD is extending the Medicare Part B coverage to most Medicaid eligible individuals, with the exception of some Medicaid categories, that do not allow Medicare coverage or provide limited Medicaid coverage such as family planning only services.

Estimated Total Financial Impact

HB371 estimates the total fiscal impact at \$101,500 per state fiscal year in state general funds. Federal funds are estimated at \$268,800 per fiscal year. The financial impact is for covering the premiums and co-payments/deductibles for Medicare covered services for the QMB population cited in the legislation. The fiscal impact will increase as HSD is going to extend auto enrollment to most Medicaid categories of eligibility and not just QMB.

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 14, 2019

Hearing Date: June 14, 2019

Adoption Date: Proposed as August 1, 2019

Technical Citations: HB371 and State Buy-In Agreement

Tribal Impact

Automatic enrollment into Medicare Part B has some tribal impact. HSD will attempt to automatically enroll tribal individuals into Medicare Part B who are active on Medicaid and Medicare Part A but not active on Part B. If enrolled into Medicare Part B, HSD will pay the Part B premiums. Medicare Part B services will be billed as primary before Medicaid.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.200.410 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>. **Notification Letter 19-08.**

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

Important Dates

A public hearing on this rule is scheduled to be held in Hearing Room 2, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on June 14, 2019 at 11 a.m. MDT.

Written advice and comments must be received no later than 5:00 p.m. MDT on June 14, 2019.

Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by email to theresa.belanger@state.nm.us.

All comments and responses will be compiled and made available after June 28, 2019.

Sincerely,



Nicole Comeaux, J.D., M.P.H, Director
Medical Assistance Division

cc: Kari Armijo, HSD/MAD Deputy Director
Theresa Belanger, Native American Liaison, HSD/MAD
HSD/MAD Program Policy Bureau