



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

April 23, 2019

RE: Tribal Notification to Request Advice and Comments Letter 19-06: 8.200.510 Medicaid Eligibility – General Recipient Policies, Resource Standards, 8.200.520 Medicaid Eligibility – General Recipient Policies, Income Standards and 8.291.430 Medicaid Eligibility – Affordable Care, Financial Responsibility 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 **5:00pm Mountain Daylight Time (MDT) on May 23, 2019** regarding proposed amendments to the New Mexico Administrative Code (NMAC).

8.200.520 NMAC Medicaid Eligibility Income Standards and *8.291.430 NMAC Medicaid Eligibility Affordable Care* will be amended in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program categories of eligibility effective April 01, 2019.

8.200.510 NMAC Medicaid Eligibility Resource Standards and *8.200.520 NMAC Medicaid Eligibility Income Standards* are being updated due to the annual cost of living increase (COLA) that went into effect January 01, 2019. The Department is re-promulgating this section of the rule in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

Estimated Total Financial Impact

The financial impact of the 2019 FPL and 2019 COLA guidelines is an increased cost to the Human Services Department as more individuals may become eligible due to the higher standards.

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: April 23, 2019.

Hearing Date: May 23, 2019.

Adoption Date: COLA Proposed and filed as January 01, 2019. FPL Proposed and filed as April 01, 2019.

Technical Citations: 42 USC Section 9902 (2), Federal SSI and Spousal Impoverishment Standards, and SSA COLA Fact Sheet

Tribal Impact

The impact of these rule changes to Native Americans is that implementation of the 2019 FPL and COLA may result in more Native Americans being eligible for Medicaid.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.200.510, 8.200.520 NMAC and 8.291.430 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> *Notification Letter 19-06.*

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.

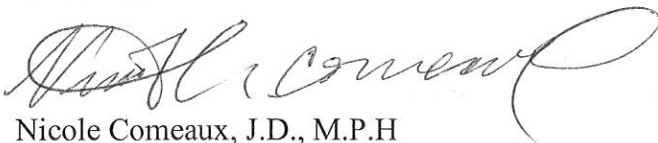
Important Dates

A public hearing on these rules is scheduled to be held in Hearing Room 2, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on May 23, 2019 at 9 a.m., MDT.

Written advice and comments must be received no later than 5:00pm Mountain Daylight Time (MDT) on May 23, 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 6, 2019.

Sincerely,



Nicole Comeaux, J.D., M.P.H
Director

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