



Susana Martinez, Governor
Brent Earnest, Secretary
Nancy Smith-Leslie, Director

Bill Brooks, Medicaid Associate Regional Administrator
Division of Medicaid and Children's Health
Centers for Medicare and Medicaid Services
1301 Young St.
Dallas, TX 75202

Dear Mr. Brooks,

Enclosed are documents related to New Mexico State Plan Amendment (SPA) 15-009 – Long Term Care Partnership.

The purpose of this SPA is to implement a resource disregard for a beneficiary under a long-term care insurance policy that meets the requirements of a “qualified State long-term care insurance partnership” policy (partnership policy). The SPA also affirms the State will not seek adjustment or recovery from the individual's estate for the amount of assets or resources disregarded in the instance where individuals may have been covered under a long-term care insurance policy and may have received benefits for which assets or resources were disregarded.

Native American Tribal Consultation has been performed. A letter and copies of a policy supplement explaining the change were sent on June 1, 2015 for comment to Native American tribal leaders and to the directors of Indian Health Service facilities.

We appreciate your consideration of this state plan amendment. Should you have any questions on this amendment, please contact Ellen Costilla at Ellen.Costilla@state.nm.us or at (505) 827-3180.

Sincerely,

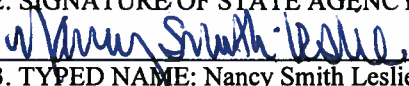
Nancy Smith Leslie
Director

Copies:

Stacey Shuman, CMS

Robert Stevens, MAD Chief, Program Policy & Integrity Bureau

Ellen Costilla, MAD, Health Care Operations Manager

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 15-09	2. STATE New Mexico
FOR: HEALTH CARE FINANCING ADMINISTRATION		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE July 1, 2015	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: Section 6201 of the Deficit Reduction Act of 2005 Sections 1917(b)(1)(C) and 1902@2) of the SSA		7. FEDERAL BUDGET IMPACT: for FFY 2015: \$0 for FFY 2016: \$0	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Page 53b Supplement 8c to Attachment 2.6A, pages 1 and 2 – both new		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): Page 53b, supercedes page 53b TN 10-06, approved 8-11-10 Supplement 8c to Attachment 2.6A, pages 1 and 2, supercede none, both new pages	
10. SUBJECT OF AMENDMENT: State Long Term Care Partnership			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL X OTHER, AS SPECIFIED: Authority Delegated to the Medicaid Director.			
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: Nancy Smith Leslie, Director Medical Assistance Division P.O. Box 2348 Santa Fe, NM 87504 – 2348	
13. TYPED NAME: Nancy Smith Leslie			
14. TITLE: Director, Medical Assistance Division			
15. DATE SUBMITTED:			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED:	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME:		22. TITLE:	
23. REMARKS:			

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: New Mexico

SUPPLEMENT 8c TO ATTACHMENT 2. 6-A
Page 1

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

<p>1902(r)(2) 1917(b)(1)(C)</p>	<p>The following more liberal methodology applies to individuals who are eligible for medical assistance under one of the following eligibility groups:</p> <p style="text-align: center;">1902(a)(10)(A)(ii)(V) Institutional Care 1902(a)(10)(A)(ii)(XXII) Home and Community-Based Services</p> <p>An individual who is a beneficiary under a long-term care insurance policy that meets the requirements of a "qualified State long-term care insurance partnership" policy (partnership policy) as set forth below is given a resource disregard as described in this amendment. The amount of the disregard is equal to the amount of the insurance benefit payments made to or on behalf of the individual. The term "long-term care insurance policy" includes a certificate issued under a group insurance contract.</p> <p><u> X </u> The State Medicaid Agency (Agency) stipulates that the following requirements will be satisfied in order for a long-term care policy to qualify for a disregard. Where appropriate, the Agency relies on attestations by the State Insurance Commissioner (Commissioner) or other State official charged with regulation and oversight of insurance policies sold in the state, regarding information within the expertise of the State's Insurance Department.</p> <ul style="list-style-type: none">• The policy is a qualified long-term care insurance policy as defined in section 7702B(b) of the Internal Revenue Code of 1986.• The policy meets the requirements of the long-term care insurance model regulation and long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000) as those requirements are set forth in section 1917(b)(S)(A) of the Social Security Act.
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: New Mexico

SUPPLEMENT 8c TO ATTACHMENT 2. 6-A
Page 2

	<ul style="list-style-type: none">• The policy was issued no earlier than the effective date of this State plan amendment.• The insured individual was a _resident of a Partnership State when coverage first became effective under the policy. If the policy is later exchanged for a different long-term care policy, the individual was a resident of a Partnership State when coverage under the earliest policy became effective.• The policy meets the inflation protection requirements set forth in section 1917(b)(1)(C)(iii)(IV) of the Social Security Act.• The Commissioner requires the issuer of the policy to make regular reports to the Secretary that include notification regarding when benefits provided under the policy have been paid and the amount of such benefits paid, notification regarding when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.• The State does not impose any requirement affecting the terms or benefits of a partnership policy that the state does not also impose on non-partnership policies.• The State Insurance Department assures that any individual who sells a partnership policy receives training, and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.• The Agency provides information and technical assistance to the Insurance Department regarding the training described above.
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: New Mexico

Page 53b

The State disregards assets or resources for individuals who receive or are entitled to receive benefits under a long term care insurance policy as provided for in Attachment 2.6-A, Supplement 8b.

The State adjusts or recovers from the individual's estate on account of all medical assistance paid for nursing facility and other long term care services provided on behalf of the individual. (States other than California, Connecticut, Indiana, Iowa, and New York which provide long term care insurance policy-based asset and resource disregard must select this entry. These five States may either check this entry or one of the following entries.)

The State does not adjust or recover from the individual's estate on account of any medical assistance paid for nursing facility or other long term care services provided on behalf of the individual.

The State adjusts or recovers from the assets or resources on account of medical assistance paid for nursing facility or other long term care services provided on behalf of the individual to the extent described below:

If an individual covered under a long-care insurance policy received benefits for which assets or resources were disregarded as provided for in Attachment 2.6-A, Supplement 8c (State Long-Term Care Insurance Partnership), the State does not seek adjustment or recovery from the individual's estate for the amount of assets or resources disregarded.