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Notice of rulemaking

The Human Services Department (the Department), Medical Assistance Division (MAD), recently promulgated proposed amendments to 8.321.2 Section 10 of the New Mexico Administrative Code (NMAC). To ensure that adequate time is available for the public to submit comments, the Department is re-promulgating 8.321.2 Section 10 NMAC *Behavioral Health Specialized Services Section 10 Applied Behavior Analysis (ABA)*. The register and the proposed amendments will be available March 16, 2015, on the HSD website:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> or at:

<http://www.hsd.state.nm.us/public-notice-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>.

If you do not have Internet access, a copy of the proposed rule may be requested by contacting MAD at (505) 827-7743.

The Department finalized Section 10 of 8.321.2 NMAC January 1, 2014, with the minimum of detail as it developed the service. The Department has completed a lengthy study and discussion of ABA services and is now promulgating amendments to this section of the rule. Throughout this section of the rule, the Department refers to ABA billing instructions. The Department is proposing to include more detailed information in the rule while continuing to have other information contained in the ABA Billing Instructions as appropriate. The Department has posted for public comment the proposed amendments and the ABA billing instructions.

In addition, the Department is receiving comments on its proposed ABA fee schedule rates and State Plan Amendment 15-001, Attachment 4-19-B. The increase in expenditures to the Medicaid Program, including managed care plans, is anticipated to be \$1.5 million which can be viewed on the New Mexico Human Services Department website at: <http://www.hsd.state.nm.us/providers/fee-for-service.aspx>. At the page, accept the terms and conditions of using the site, scroll down to Proposed Fee Schedules or Rates, then see the posting titled: Applied Behavior Analysis (ABA) fee schedule rates 5.2015.

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road Santa Fe, NM on April 14, 2015, 11 a.m. Mountain Daylight Time (MDT).

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATTN: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to madrules@state.nm.us Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than April 14, 2015, 5:00 p.m. MDT.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD toll free at 1-888-997-2583 and ask for extension 7-7743. In Santa Fe call 827-7743. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.