



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

January 22, 2015

**RE: Tribal Consultation Letter 15-01: New Mexico State Plan Amendment (SPA) 14-14 Extension of Primary Care Increase (revised)**

Dear Tribal Leadership, IHS, Tribal Facility or other interested parties,

Consultation with New Mexico's Indian Nations, Tribes, Pueblos and their healthcare 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) Tribal Consultation requirements, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting written comments through February 23, 2015, regarding its proposed amendments to extend the increases to primary care providers that began in 2013 and continued into 2014 to continue in 2015 and beyond.

The primary purpose of the State Plan Amendment (SPA) 14-14 is to obtain federal approval for the New Mexico Medical Assistance Division to extend the primary care provider enhanced payment program. This program is defined in sections 1902 (a)(13), 1902(jj), 1905(dd) and 1932(f) of the Social Security Act as amended by the Affordable Care Act and was originally put into effect for the years 2013 and 2014. HSD intends to continue this program in 2015 and beyond, using the Medicare fee schedule in effect during each of the extension years as the minimum base rate for primary care services.

HSD originally submitted this SPA to CMS on November 25, 2014. In that version of the SPA, we proposed to include OB-GYN as a specialty which can participate in the attestation and payment process and to not apply the increase to Medicare cross over claims, that is, those where Medicare is the primary payer. The proposed changes appeared to be delaying the approval of this SPA, so in this resubmittal we are proposing to remove those two provisions in order to keep the PCP increase for 2015 as it was for 2013 and 2014. This new version of the SPA will be an extension, into 2015 and beyond, of the original SPA, approved on June 24, 2013.

(1) MAD will not be requesting CMS to extend the enhanced payments to OB-GYN providers.

***Tribal Impact: HSD anticipates there will be no impact on payments and services, for IHS, tribal facilities or Native Americans.***

(2) HSD will continue to apply the increase to Medicare cross over claims, that is, those where Medicare is the primary payer.

This SPA would expand access to care by continuing to encourage primary care providers to participate in the Medicaid program by incentivizing with higher payment rates.

**Tribal Impact:** *HSD does not anticipate an impact that would differ on payments and services, from that of years 2013 or 2014. IHS and tribal facilities will continue to receive enhanced payment under the state plan amendment.*

**Tribal Consultation Comments -**

Tribes and their healthcare providers may view the proposed SPA 14-14, on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, *Letter 15-01*.

**Important Dates**

- **Written comments must be submitted by 5:00 p.m. Mountain Standard Time (MST) on February 23, 2015.** Please send your comments and questions to the MAD Native American Liaison, **Theresa Belanger**, at (505) 827-3122 or by email at: [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us).
- All comments and responses will be compiled and available *after March 1, 2015*.

Sincerely,

Nancy Smith-Leslie, Acting Director  
Medical Assistance Division

cc: Theresa Belanger, Native American Liaison, MAD  
HSD/MAD/Centennial Care Bureau  
HSD/MAD/PPIB-Program Management/Communications Unit