August 3, 2015

Pueblo of

RE: Tribal Consultation Letter 15-18 Proposed Amendments to:
8.200.410 NMAC, General Recipient Policies
8.291.430 NMAC, Medicaid Eligibility – Affordable Care.

Dear Honorable

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 September 3, 2015, regarding proposed amendments to 8.200.410 and 8.291.430 of the New Mexico Administrative Code (NMAC).

**Proposed amendments:**

**8.200.410 NMAC**
- Section 15 – new language to allow an inmate who has an established Medical Assistance Program (MAP) category of eligibility to retain his or her MAP category of eligibility throughout his or her incarceration as long as all other eligibility requirements are met; and to allow an inmate who does not have a an established MAP categories of eligibility upon his or her arrival at a public institution to apply for MAP category of eligibility. This would allow an inmate to have access to MAD services at his or her discharge or release from a public institution.

**8.291.430 NMAC**
- **Section 13**
  - Subsection A: new language to provide instructions on determining household members; and
- Subsection D – new language to recognize same-sex married couples as spouses for purposes of making a MAP category of eligibility determination.
- **Section 14**
  - Subsection B: new language to provide instructions on defining the basis for a MAGI-based income of an applicant’s or a recipient’s dependent’s income.
- **Section 15**
  - Subsection B: deleting Paragraph 4 as this language is incorporated in other sections of this rule.
HSD proposes throughout these rules to:
1. Standardize rule language for consistency and clarity with MAD eligibility NMAC rules;
2. Update terminology to reflect current usage; and
3. Re-write sections, subsections, and paragraphs to add clarity for a reader.

**Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers based on the proposed amendments to these rules; instead HSD anticipates additional applicants will be eligible for enrollment.

**Tribal Consultation Comments** -

**Important Dates**
- **Written comments must be submitted by 5:00 p.m. Mountain Daylight Time (MDT) on September 3, 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.
- All comments and responses will be compiled and available after September 9, 2015.
- **A public hearing for 8.200.410 NMAC** is scheduled to be held on August 31, 2015, at 10 a.m. MDT in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico.
  - **This rule will be effective October 1, 2015.**
- **A public hearing for 8.291.430 NMAC** is scheduled to be held on September 14, 2015, at 10 a.m. MDT in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico.
  - **This rule will be effective November 1, 2015.**

Sincerely,

Nancy Smith-Leslie, Director
Medical Assistance Division

Cc: Theresa Belanger, Native American Liaison, HSD/MAD
    Roy Burt, Bureau Chief, Eligibility Bureau
    PPB - PMC