June 5, 2014

RE: Mi Via Waiver renewal

Dear Honorable Tribal Leader (I/T/U):

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 the New Mexico Human Services Department, through the Medical Assistance Division (MAD), is proposing to repeal and replace three rules contained in Title 8 of the New Mexico Administrative Code (NMAC):

- 8.312.2 Nursing Facilities
- 8.350.2 Reconsiderations of Utilization Review Decisions
- 8.354.2 PASRR (Preadmission Screening And Annual Resident Review) and Patient Status Hearings

It is the Department’s intent is to bring these three rules into alignment with the recently finalized MAD administrative hearing rules of 8.308.15 NMAC MCO Grievances and Appeals and 8.352.2 NMAC Claimant Hearings and to update these rules to reflect current rule standardized language.

**Impact:** The replacement of the three rules does not alter the manner in which tribal entities and their healthcare providers currently deliver these services. The proposed language mirrors the recently finalized rules for Claimant Administrative Hearings and Managed Care Organization (MCO) Grievance and Appeals bringing these rules into alignment with current processes.

The Department is also proposing to amend:

- 8.308.12 NMAC Community Benefits

It is the Department’s intent to bring the rule into alignment with the recently finalized rule of 8.308.15 NMAC MCO Grievance and Appeals, to standardize word usage within the rule, and also to provide language that clarifies the Department’s intent for the implementation of the rule.

**Impact:** The amendments of this rule provide clarification to tribal entities and their healthcare providers on how they currently deliver these services. The amendments to the rule also include changes to the Department administrative hearing processes which mirrors the recently finalized rules for Claimant Administrative Hearings and Managed Care Organization (MCO) Grievance and Appeals, bringing this rule into alignment with current processes.

This letter and the proposed repeal/replacement and amendments will be available on the HSD website.
at:
http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx

HSD is seeking comments or questions from Native American communities on these proposed rules. You may send your comments, questions to our Native American Liaison for the Medical Assistance Division (MAD), Theresa Belanger at (505) 827-3122 or by email at: Theresa.Belanger@state.nm.us.

**Important Dates:**

- Comments will be received through **July 7, 2014, 5 p.m. Mountain Daylight Time** to allow time for interested parties to submit their comments. All comments will be reviewed and recorded. HSD will incorporate recommended changes to these proposed rules whenever feasible. All comments and responses will be compiled and available after **August 4, 2014**.

- A public hearing to receive testimony on these proposed rules will be held at the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on Friday, **July 7, 2014, at 10 a.m.**

- The proposed rules have a projected effective date of **August 1, 2014**.

Thank you in advance for your input and for your continued support of HSD’s Native American initiatives.

Sincerely,

Julie B. Weinberg, Director
Medical Assistance Division

CC: Nancy Smith-Leslie
    Theresa Belanger
    PPIB