December 23, 2014


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 January 29, 2015, regarding proposed amendments to the following NMAC rules: 8.206.400, 8.291.410, 8.291.430, 8.293.500, and 8.295.400. A number of the proposed amendments are to standardize word usage which does not alter the manner in which eligibility is determined.

Proposed amendments:

8.206.400 NMAC
- **Section 9** – the proposed amendment clarifies that Medical Assistance Programs (MAP) eligibility for this category is limited only to former New Mexico foster care recipients and does not include former foster care recipients from other states.
- **Tribal Impact:** *HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with this amendment throughout the rule.*

8.291.410 NMAC
- **Section 18** – the proposed amendment implements a 90-day reconsideration period for recipients whose MAP eligibility closes due to failure to recertify or provide requested verification. The amended language allows for recipients to provide the requested verification or renewal form to have eligibility reinstated back to the closure month without requiring a new application.
- **Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with this amendment throughout the rule; instead the proposed amendment provides a ‘safety net’ for individuals to have their eligibility be reinstated quickly and easily.

8.291.430 NMAC

- **Section 14** – the proposed amendment will remove “by another taxpayer outside of the household” to provide clarification of the exceptions for an individual who is a tax dependent.

- **Section 15** – the proposed amendment provides clarification that federal deductions will only be utilized when it makes a difference whether an applicant may or may not qualify for a specific MAP category of eligibility.

- **Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with this amendment throughout the rule.

8.293.500 NMAC

- **Section 13** – the proposed amendment will allow an income disregard for an applicant whose countable income is at or above the income standard applying for the Affordable Care Act (ACA) MAP category of eligibility for pregnant women.

- **Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with this amendment throughout the rule; instead the proposed amendment offers an additional disregard to assist individuals meet ACA MAP eligibility.

8.295.400 NMAC

- **Section 12** – the proposed new language addresses the requirement that an applicant or recertifying recipient 18 years of age who is applying for (ACA) MAP category of Children’s Medicaid eligibility must meet school attendance requirements.

- **Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with this amendment throughout the rule. The Department must include this provision as it is an enforceable part of ACA.

**Tribal Consultation Comments**

Tribes and their healthcare providers may view the proposed NMAC rules, 8.206.400, 8.291.410, 8.291.430, 8.293.500, and 8.295.400 on the HSD webpage at: [http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx](http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx), Letter 14-17.

**Important Dates**

- **Written comments must be submitted by 5:00 p.m., Mountain Standard Time (MST) on January 29, 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 February 5, 2015.
- A public hearing on this rule is scheduled be held in Hearing Room One, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on January 29, 2015 at 1:30 p.m. MST.

Sincerely,

Julie B. Weinberg, Director
Medical Assistance Division

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