July 9, 2014

RE: Tribal Consultation Letter 14-08

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 is proposing to amend six eligibility rules to remove references to the family planning category of eligibility.

The result of these changes will be to end the “family planning – only” category of Medicaid eligibility effective November 15, 2014. Native Americans who are currently eligible for the “family planning – only” category should re-apply for Medicaid eligibility in order to update any income information.

If the recipient is determined to be eligible for a category with more benefits, the recipient will be notified. If a recipient remains eligible only for the “family planning – only” category, the recipient’s eligibility will be terminated as of November 15, 2014. The recipient can then purchase insurance on the New Mexico Insurance Exchange.

HSD is seeking advice, questions and comments from Native American communities on these proposed rules. One of the intents of the Affordable Care Act is to offer insurance plans to individuals that provide comprehensive benefit packages. Since the Medicaid Family Planning Services benefit package is limited to services directly related to family planning, that program does not provide the type of coverage individuals are expected to have under the Affordable Care Act.

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. The proposed rules are located for your review on MAD’s website at: http://www.hsd.state.nm.us/mad/TribalConsultation.html.

Also, the New Mexico state plan will be changed to remove the “check” in the block that states that the New Mexico Medicaid program has a “family planning – only” category of Medicaid eligibility. The page is attached.

**Important Dates:**
Tribal consultation comments will be received through **August 15, 2014**, to allow time for interested parties to submit their comments. Additionally, public comments will be received through September...
1, 2014. 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 **October 1, 2014**.

The public hearing for the proposed rule changes is **September 1, 2014** in the Rio Grande Room of the Toney Anaya Building at 10 a.m. Mountain Daylight Time.

These proposed rules have a projected effective date of **November 15, 2014**.

These proposed rules may be located on the HSD website at: [http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx](http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx)

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