July 17, 2014

RE: Tribal Notification of Medicaid Rule Changes
Reference Number 14-09

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 the New Mexico Human Services Department, through the Medical Assistance Division (MAD), is proposing to amend five rules contained in Title 8 of the New Mexico Administrative Code (NMAC): 8.302.2 Billing for Medicaid Services, 8.308.14 Cost Sharing, 8.309.4 MAD Administrative Benefits and Limitation of Services, 8.200.430 Recipient Rights and Responsibilities, and 8.243.600 Working Disabled Individuals (WDI) Benefit Description.

The Department’s intent by amending these rules is to simplify the process the Department follows for cost sharing with Medical Assistance Programs eligible recipients and to follow federal rules. Specifically, the changes are:

1. Cost sharing for emergency department use will be removed for the Working Disabled Individuals (WDI) and Children’s Health Insurance Program (CHIP) populations.
2. WDI copay for pharmacy will be lowered from $5 to $3.
3. Alternative Benefit Plan (ABP) copayments will be removed except for the non-emergent use of the emergency department and unnecessary use of a brand name drug. Non-emergent use of the emergency department will be set at $8 regardless of the federal poverty level (FPL). Unnecessary use of brand name drug will be $3.

Impact: The amending of these five rules does not alter the manner in which Tribal entities and their healthcare providers currently deliver these services. Indian Health Services and Tribal facilities have been and will continue to be exempt from any form of co-payment for their Medical Assistance Division services.

This letter and the proposed 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 or 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. Also, the New Mexico the current state plan amendment regarding cost sharing will be changed to show these amounts. The page is attached.
Important Dates:

✓ Tribal Consultation comments will be received through August 20, 2014, 5 p.m. Mountain Daylight Time (MDT) 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 September 15, 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 Tuesday, September 2, 2014, at 1:30 a.m. Public comments will be received through September 2, 2014, 5 p.m. MDT.

✓ The proposed rules have a projected effective date of October 1, 2014.

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

Sincerely,

[Signature]

Julie B. Weinberg, Director
Medical Assistance Division

CC: Nancy Smith-Leslie
    Theresa Belanger
    Roy Burt
    PPIB
NOTICE

The Human Services Department (HSD) Tribal Consultation Letter 14-08 has a closing date for comments of August 15, 2014.

HSD has canceled the public hearing associated with the rules listed in Tribal Consultation Letter 14-08.

Please see the notice at:
http://www.hsd.state.nm.us/providers/written-tribal-consultation-letters.aspx
Tribal Consultation Letter 14-08