November 17, 2014

RE: Tribal Consultation Letter 14-15: 8.308.12 NMAC Community Benefit Rule Promulgation

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 December 16, 2014, regarding proposed amendments to the Community Benefit rule 8.308.12 of the New Mexico Administrative Code (NMAC).

**Proposed amendments:**

1) **8.308.12 Section 22**
   HSD is proposing to add Section 22 to the rule in order to be in compliance with 29 Code of Federal Regulation Section 552.100. Proposed language informs employees and contractors rendering services to an eligible recipient through either the Agency-Based Community Benefit or his or her Self-Directed Community Benefit approach of the work restrictions limiting them to no more than 40 hours per work week to any combination of Medical Assistance Program eligible recipients

   **Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with the new language.

2) Overall, HSD is taking this opportunity to add clarifying language to the rule which does not alter how the service is rendered or by whom. An example is removing Financial Management Agency and replacing it in specific instances with Support Broker, which is more accurate.

   **Tribal Impact:** HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers with the addition of clarifying language to the rule.

**Tribal Consultation Comments -**
Tribes and their healthcare providers may view the proposed rule, 8.308.12 NMAC, on the HSD
Important Dates

- **Written comments must be submitted by 5:00 p.m., Mountain Standard Time (MST) on December 16, 2014.** 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 January 5, 2015.

- **A public hearing on this rule is scheduled to be held in the Rio Grande Conference Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM on December 29, 2014 at 1:30 p.m., MST.**

Sincerely,

Julie B. Weinberg, Director
Medical Assistance Division

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