



Michelle Lujan Grisham, Governor  
David R. Scrase, M.D., Secretary  
Nicole Comeaux, J.D., M.P.H, Director

October 20, 2021

**Interested Parties:**

The New Mexico Human Services Department (HSD), through the Medical Assistance Division (MAD), is providing this notice of opportunity to comment on proposed State Plan Amendment (SPA) 21-0012. Effective December 31, 2021, New Mexico Medicaid is implementing changes to third party liability (TPL) in Medicaid to modify TPL rules related to special treatment of certain types of care and payment.

The Human Services Department is making the following changes:

1. Applying cost avoidance procedures to claims for prenatal services, including labor, delivery, and postpartum care services;
2. Making payments without regard to potential TPL for pediatric preventive services, unless a determination has been made related to cost-effectiveness and access to care that warrants cost avoidance for 90 days; and
3. Making payments without regard to potential TPL for up to 100 days for claims related to child support enforcement beneficiaries.

The changes are being made to comply with requirements of the Bipartisan Budget Act (BBA) of 2018 and the Medicaid Services Investment and Accountability Act (MSIAA) of 2019.

There is no financial impact associated with these changes.

**OPPORTUNITY TO VIEW DOCUMENTS AND MAKE COMMENTS**

Medicaid providers, Medicaid recipients, and other interested parties are invited to make comments on this proposed SPA. The complete draft amendment may be found on the Department's website at: <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>

A written copy of these proposed documents may be requested by contacting the HSD Medical Assistance Division (HSD/MAD) in Santa Fe at (505) 827-1337.

Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to [madrules@state.nm.us](mailto:madrules@state.nm.us). All comments must be received no later than **5:00 p.m. MT on November 19,**

**2021.** Written or e-mailed comments are preferred because they become part of the record associated with these changes.

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Copies of all comments will be made available by HSD/MAD upon request by providing copies directly to a requestor or by making them available on the HSD/MAD website or at a location within the county of the requestor.