



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

January 24, 2022

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) 22-0004 Medicaid School-Based Services for Medical Assistance Program (MAP) Eligible Recipients Under Twenty-One Years of Age.

The Human Services Department is making changes to the New Mexico state plan to expand services provided by school districts and Local Education Agencies (LEAs) under the Medicaid School-Based Services (MSBS) Program to include services that are listed in a Medicaid beneficiary's Individual Education Program (IEP), Individual Family Service Plan (IFSP), a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan (IHCP), or are otherwise medically necessary as appropriate for each covered service. This includes school health services that may be delegated to unlicensed school personnel as per the New Mexico Board of Nursing.

Effective July 1, 2022, SPA 22-0004 provides that the Department will cover services provided by school districts and LEAs through a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service. The service must be medically necessary and coverable under one or more of the service categories described in Section 1905(a) of the Social Security Act, as well as necessary to correct or ameliorate defects or physical or mental illnesses or conditions discovered by an EPSDT screen.

**Proposed amendments to the New Mexico State Plan State Supplement A to Attachment 3.1A**

- Effective July 1, 2022, the New Mexico Medical Assistance Division will allow reimbursement for school-based delegated nursing services that may be delegated to unlicensed school personnel as per the New Mexico Board of Nursing.
- School based services are services that are listed in a Medicaid beneficiary's Individual Education Program (IEP), Individual Family Service Plan (IFSP), a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service. The service must be medically necessary and coverable under one or more of the service categories described in Section 1905(a) of the Social Security Act, as well as necessary to correct or ameliorate defects or physical or mental illnesses or conditions discovered by an EPSDT screen.

### **Proposed amendments to the New Mexico State Plan Attachment 4.19 – B**

- Effective July 1, 2022, the New Mexico Medical Assistance Division will allow reimbursement for medically necessary services provided by school districts and LEAs, including those provided under a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service.
- Medicaid reimbursement will be determined utilizing an eligibility ratio depending on the type of the service plan the services were provided under, i.e. Individualized Education Program (IEP)/Individualized Family Service Plan (IFSP) or a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service.

The estimated financial impact is \$61,733,482 (in federal funds) for FFY 23 and \$67,906,830 (in federal funds) for FFY 24.

### **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 SPA may be found on the Department's website at: <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-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 February 24, 2022.** 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.