



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

February 14, 2022

RE: Tribal Notification to Request Advice and Comments Letter 22-05: Preadmission Screening Resident Review (PASRR)/Categorical Determinations

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care 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's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting comments until **5:00 p.m. Mountain Time (MT) March 16, 2022**, regarding proposed State Plan Amendment 22-0006 Preadmission Screening Resident Review (PASRR)/Categorical Determinations.

Effective March 1, the New Mexico Human Services Department (HSD) is updating its state plan to conform with federal PASRR requirements. The state mental health or intellectual disability authority may make an advanced determination that nursing facility (NF) services are needed for the following groups of applicants: convalescent care, terminal illness, severe physical illness, provisional admissions and respite. The state mental health and intellectual disability authorities may make categorical determination that specialized services are not needed in the provisional, emergency and respite admissions situations identified in federal rule. The state mental health and intellectual disability authorities may make categorical determinations that individuals with dementia, which exists in combination with intellectual disability or related condition, do not need specialized services.

These changes are being made to align with 42 CFR 483.130. The State of New Mexico is currently adhering to the CFR; however, the state plan language does not reflect the existing practice.

Tribal Impact

There is no impact anticipated for Indian Nations, Tribes, Pueblos and their health care providers.

Tribal Advice and Comments

Tribes and their healthcare providers may view the proposed changes, on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> **Tribal Notification 22-05.**

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) March 16, 2022. Please send your comments to the MAD Native American Liaison, **Theresa Belanger**, at (505) 670-8067 or by email at: Theresa.Belanger@state.nm.us. All written comments received will be posted on the HSD website at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> along with this

notification letter. The public posting will include the name and any contact information provided by the commenter.

Tribal Leadership may request a government-to-government consultation by March 16, 2022.
This request may be made to: Theresa.Belanger@state.nm.us or by calling (505) 670-8067.

Sincerely,



Nicole Comeaux, J.D., M.P.H.
State Medicaid Director