



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

February 25, 2022

**RE: Tribal Notification to Request Advice and Comments Letter 22-07: Qualifying Clinical Trials for Alternative Benefit Plan (ABP) Medicaid Beneficiaries**

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 28, 2022**, regarding proposed State Plan Amendment 22-0010 Qualifying Clinical Trials for Alternative Benefit Plan (ABP) Medicaid Beneficiaries.

Effective January 1, 2022, New Mexico Medicaid is adding coverage of routine patient costs associated with participation in qualifying clinical trials for Medicaid ABP beneficiaries to conform with the new regulatory requirements of 1905(a)(30) and 1905(gg) of the Social Security Act (SSA).

Routine patient costs covered for a beneficiary participating in a qualifying clinical trial are any item or service provided to the individual under the qualifying clinical trial, including any item or service provided to prevent, diagnose, monitor, or treat complications resulting from participation in the qualifying clinical trial to the extent that the provision of such items or services to the beneficiary would otherwise be covered under the state plan outside of a trial. Such routine services and costs also include any item or service required solely for the provision of the investigational item or service that is the subject of the qualifying clinical trial, including the administration of the investigational item or service.

**Tribal Impact**

This change will have a positive impact for Indian Nations, Tribes, Pueblos and their health care providers as it adds items and services not previously covered by Medicaid.

**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 22-07**.

**Important Dates**

**Written comments must be submitted by 5:00 p.m. Mountain Time (MT) March 28, 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](mailto: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 28, 2022.** This request may be made to: [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us) or by calling (505) 670-8067.

Sincerely,



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