



Health Plan, Inc.

P.O. Box 27489, Albuquerque, NM 87125-7489

March 11, 2022

Human Services Department
Office of the Secretary
ATTN: Medical Assistance Division Public Comments
PO Box 2348
Santa Fe, NM 87504-2348

Dear Secretary:

Thank you for allowing us the opportunity to review and respond to the proposed revisions to the New Mexico Administrative Code (NMAC) rule 8.320.6, *Early and Periodic Screening Diagnosis and Treatment (EPSDT) School-Based Services for MAP Eligible Recipients under 21 years of age*. Please accept the comments for consideration.

- Section 13 Covered Services, Subsection G:
HSD is proposing to add delegated nursing services which are tasks in accordance with the New Mexico Board of Nursing that may be delegated by the RN to unlicensed school personnel. Delegated staff may include, but is not limited to, school or contracted staff, such as health assistants, teachers, teacher assistants, therapists, school administrators, administrative staff, cafeteria staff, or personal care aides. This addition will allow schools to bill for nursing services that have been delegated in accordance with the New Mexico Board of Nursing and allow school-based providers in rural and underserved areas access to an increased pool of eligible practitioners which can bill for services.

PHP has four questions:

1. What does “delegated nursing services” entail as far as specific actions or interventions?
2. Would the school RN be legally responsible for oversight of the unlicensed personnel rendering the delegated nursing services?
3. Could the school RN be held liable for the actions, interventions, or lack thereof, of the unlicensed personnel?
4. Would services from unlicensed personnel be billed and reimbursed the same as if a licensed nurse rendered the care?

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Such services are funded in part with the State of New Mexico.
Presbyterian exists to improve the health of the patients, members, and communities we serve.

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Thank you for allowing us the opportunity to provide comments. Please contact me directly if clarification is needed on these comments.

Respectfully,

Michelle Pacheco-Ortiz
Regulatory Operations Manager

mipachec@phs.org

