



State of New Mexico  
Human Services Department  
**Human Services Register**



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

8.308.14 NMAC, *MANAGED CARE PROGRAM, COST SHARING*

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

FINAL RULE

**V. BACKGROUND SUMMARY**

The Human Services Register Vol. 37 No. 16, dated February 25, 2014, issued a proposed amendment to 8.308.14 NMAC, *Managed Care Program, Cost Sharing*.

A public hearing was held on Tuesday, April 1, 2014, to receive public testimony on these proposed rules. This register summarizes public comment and testimony and the Human Services Department's (Department) response by individual rule.

The Department received two written comments and no oral testimony or recorded comments.

**General Comment:** One commentator noted that the proposed change from "monthly" to "quarterly" would mean that Medicaid recipients would be exposed to larger cost sharing burdens and that they might be required to pay the maximum amount allowed for the full three-month period in a single month.

**Department Response:** The Department will consider the comment further and if after further study, a change needs to be made, a new proposed amendment will be issued.

8.308.14.9: One commentator noted that the proposed rule did not modify the requirement of the MCOs to track co-payments on a monthly basis in Subsection 8 of Section B.

**Department Response:** While the co-payment cap will be calculated on a quarterly basis, the MCO will be required to track the co-payments on a monthly basis to accommodate situations where a member transfers between MCOs.

8.308.14.9: One commentator expressed their support of the proposed amendment to delete Subsection B of Section 9. The commentator stated that the removal of this Subsection would support the independent judgment of clinicians and would remove the “fail first” burden on participants.

**Department Response:** The Department did not submit a proposed amendment to delete Subsection B of Section 9. This Subsection will remain as written. The Department will consider the comment further and if, after further study, a change needs to be made, a new proposed amendment will be issued.

## VI. RULES

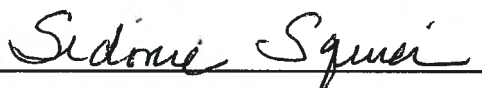
The rules referenced above will be contained in the Program Rule Manual, available on the MAD website at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. This register and final rule will be posted on the MAD website at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have internet access, a copy of the register and rules may be requested by contacting MAD at 505-827-3152.

### EFFECTIVE DATE:

The Department will implement these rules effective June 15, 2014.

## VIII. PUBLICATION

Publication of these rules approved by:



SIDONIE SQUIER, SECRETARY  
HUMAN SERVICES DEPARTMENT