

February 29, 2016

RE: Tribal Notification Requesting Advice and Comments - Letter 16-04: Draft New Mexico State Plan Amendment (SPA) 16-003, Tribal Notification Requirements

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

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their Healthcare 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) policies, this letter is to notify you that HSD, through the Medical Assistance Division (MAD), is considering amending the New Mexico State Plan and is seeking advice and comments from Tribes and Tribal Healthcare Providers regarding the draft State Plan Amendment (SPA) 16-003 Tribal Notification Requirements.

Following a review of the existing State Plan content, HSD/MAD believes that the process to provide notification and seek advice and comments from Tribes and Tribal Healthcare Providers should be more specific.

The tribal notification process outlined below is included in the draft SPA 16-003:

1. When a contemplated or proposed State Plan Amendment might result in removing or reducing any Medicaid benefit for a Native American beneficiary; might cause a Native American to lose Medicaid eligibility or be less likely to qualify for Medicaid in the future; or might result in lower Medicaid reimbursement rates to Indian Health Service Facilities or other Tribal Health Providers, HSD will send a notification letter to Tribal Leaders, Indian Health Service Facilities, and other Tribal Health Providers. In addition to traditional mailing, HSD will email tribal notification letters to expedite receipt.
2. The notification letter will request advice and comments and include a 30-day comment period. HSD may require an additional 30 days after the comment period to review and address comments that are received; however, the Department may shorten this period of time if no comments are received or when all advice and comments have been considered and responses made.

3. The notification will describe the proposed changes including the estimated number of Native Americans who may be impacted, estimates of any financial impact, and include the website link where the full document with the proposed changes can be viewed or a copy otherwise obtained. The notification will also include a proposed effective date, the reason for the proposed change, and the date by which a summary of all comments received will be available.
4. HSD also offers Tribal Leaders, Indian Health Service Facilities, and other Tribal Health Providers the opportunity to discuss proposed changes by phone, email, and through conference call, in addition to formally submitted written advice and comments to HSD. Tribal Leaders may request a face-to-face Tribal Consultation during the 30-day comment period on a proposed change.
5. A tribal notification letter will also be sent when there is a proposed State Plan Amendment that does not result in removing or reducing any Medicaid benefit for a Native American beneficiary; does not cause a Native American to lose Medicaid eligibility or be less likely to qualify for Medicaid in the future; and will not result in lower Medicaid reimbursement rates to Indian Health Service Facilities or other Tribal Health Providers. HSD will send a notification letter to Tribal Leaders, Indian Health Service Facilities, and other Tribal Health Providers about the proposed change; however, there may not be a 30 day comment period.
6. The state agency uses the same process for State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals and proposals for demonstration projects to CMS, unless other notification or consultation requirements are specified by CMS.
7. When there is a comment period, the state agency may submit the proposed State Plan Amendment, waiver proposal, waiver extension, waiver amendment, waiver renewal or proposal for demonstration projects to CMS any time after the 30 day comment period if no comments or requests for further information or consultation have been made.
8. HSD/MAD has a tribal liaison to coordinate ongoing regularly scheduled meetings and discussions between Tribal Leaders, Indian Health Service Facilities, other Tribal Health Providers, agency administrators, program administrators, and managed care organizations. Participants provide input, advice and comments on issues regarding all aspects of the Medicaid program. Meetings are to be held at least quarterly, and at the request of the participants.

Tribal Impact: *HSD does not anticipate a negative service or financial impact to individuals, tribes or their healthcare providers. HSD does anticipate when this SPA is enacted, enhanced communication between HSD and tribes and their healthcare providers and increased opportunities for tribes and their healthcare providers to give HSD advice and comments on amendments to the Medicaid State Plan.*

Tribal Notification Comments -

Tribes and their healthcare providers may view draft of the draft SPA 16-003 on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, ***Tribal Notification Letter 16-04***. Note that HSD/MAD is in the process of changing the name of the webpage to tribal notification rather than consultation. Tribes and their Healthcare Providers will be notified when this change is made.

IMPORTANT DATES:

- **Written comments must be submitted by 5:00 p.m. Mountain Standard Time (MST) on March 31, 2016.** Please send your comments and questions to the MAD Native American Liaison, Theresa Belanger, Medical Assistance Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348, by phone at (505) 827-3122 or by email at: Theresa.Belanger@state.nm.us.
- All comments and responses will be compiled and available *after March 31, 2016*.
- HSD anticipates an effective date of May 1, 2016.

Sincerely,



Nancy Smith-Leslie, Director
Medical Assistance Division

cc: Theresa Belanger, Native American Liaison, MAD
Kari Armijo, Deputy Director, MAD
Robert Stevens, Program and Policy Bureau Chief, MAD