




HUMAN SERVICES  
DEPARTMENT

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

**INTRADEPARTMENTAL MEMORANDUM**  
**MAD-IPP: 19-01**  
**DATE: JUNE 7, 2019**

TO: HSD STAFF

FROM:  NICOLE COMEAUX, DIRECTOR, MEDICAL ASSISTANCE DIVISION

CHRISTOPHER HABGOOD, ACTING DIRECTOR, BEHAVIORAL HEALTH SERVICES DIVISION

BY: KARI ARMIJO, DEPUTY DIRECTOR, MEDICAL ASSISTANCE DIVISION

**SUBJECT: INTERIM POLICY FOR AUTISM SPECTRUM DISORDER SERVICES – PROHIBITION ON AGE AND DOLLAR LIMITS EFFECTIVE JUNE 15, 2019**

**I. GENERAL INFORMATION**

During the 2019 Regular Session of the New Mexico Legislature, House Bill 322 (HB 322) was passed and subsequently signed into law by Governor Lujan Grisham. HB 322 enacts a new section of the Public Assistance Act that requires Medicaid coverage of services to treat Autism Spectrum Disorder (ASD) without age or dollar limits. Prior to enactment of HB 322, Medicaid coverage of Applied Behavior Analysis (ABA) services to treat ASD was limited to children, youth, and young adults through age 20. Other services that may be deployed to treat ASD, such as speech, occupational and physical therapy, are not subject to age limits under the Medicaid program.

The purpose of this memorandum is to issue an Interim Policy and Procedure (IPP) that removes the age limit for coverage of ABA services for individuals enrolled in the Medicaid program effective June 15, 2019, as required under New Mexico law. The Human Services Department (HSD) will formally promulgate revised regulations at 8.321.2 NMAC removing all age limit requirements for coverage of ABA services.

**II. REVISED POLICY**

Effective June 15, 2019, all age limits are removed as a condition for providing coverage of ABA services to Medicaid-enrolled individuals. The removal of age limits is to be enforced in both the Medicaid fee-for-service (FFS) and Centennial Care managed care programs.

Through formal rulemaking, HSD intends to revise 8.321.2.10 NMAC to clarify that the Medicaid program pays for medically necessary, empirically supported, ABA services for eligible recipients who have a well-

documented medical diagnosis of ASD or who have a well-documented risk for the development of ASD. All references to age limits will be removed from the regulatory language.

HSD will formally promulgate revised regulations at NMAC 8.321.10. In the interim, this IPP supersedes existing NMAC language concerning age limits as a condition for coverage of ABA services.