



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

July 14, 2021

**RE: Tribal Notification to Request Advice and Comments Letter 21-15: HSD's Initial Home and Community-Based Services (HCBS) Spending Plan**

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 written comments until **5:00 p.m. Mountain Time (MT) on August 18, 2021**, regarding HSD's initial home and community-based services (HCBS) spending plan.

The HCBS spending plan and narrative outlines the HSD's intended use of funding available under the American Rescue Plan Act (ARPA) of 2021, Section 9817. In addition, New Mexico confirms the following assurances:

- The state is using the federal funds attributable to the increased federal medical assistance percentage (FMAP) to supplement and not supplant existing state funds expended for Medicaid HCBS in effect as of April 1, 2021;
- The state is using the state funds equivalent to the amount of federal funds attributable to the increased FMAP to implement or supplement the implementation of one or more activities to enhance, expand, or strengthen HCBS under the Medicaid program;
- The state is not imposing stricter eligibility standards, methodologies, or procedures for HCBS programs and services than were in place on April 1, 2021;
- The state is preserving covered HCBS, including the services themselves and the amount, duration, and scope of those services, in effect as of April 1, 2021; and
- The state is maintaining HCBS provider payments at a rate no less than those in place as of April 1, 2021.

**Tribal Impact**

The HSD anticipates a positive impact for Indian Nations, Tribes, Pueblos and their health care providers. The spending plan focuses on strengthening the caregiver workforce and facilitating greater access to home and community-based services.

## Tribal Advice and Comments

Tribes and tribal health care providers may view the plan on the HSD website at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>, Tribal Notification **21-15**.

## Tribal Consultation

**Tribal Leadership may request a government-to-government consultation by 5:00 p.m. Mountain Time (MT) on August 18, 2021.** This request can be made to: [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us) or by calling 505-670-8067.

## Important Dates

**Written comments must be submitted by 5:00 p.m. Mountain Time (MT) on August 18, 2021.** Please send your comments to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us). All written comments received will be posted as they are received on the HSD website at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/> along with the applicable notification letter. The public posting will include the name and any contact information provided by the commenter.

Sincerely,



Nicole Comeaux, Director  
Medical Assistance Division

cc: Lorelei Kellogg, HSD/MAD Deputy Director  
Theresa Belanger, Native American Liaison, HSD/MAD