



**Michelle Lujan Grisham, Governor**  
Kari Armijo, Acting Secretary  
Lorelei Kellogg, Acting Medicaid Director

August 18, 2023

Interested Parties:

The New Mexico Human Services Department Medical Assistance Division is providing notice of a proposed reimbursement for Tribal 638 Nursing Facilities at the Office of Management and Budget (OMB) rate, on or after August 18, 2023, as published and specified in the Federal Register. This rate will be adjusted annually based on the percentage increase to the approval rates published each year in the Federal Register by the U.S. Department of Health and Human Services' Indian Health Service, under the authority of Sections 321 (a) and 322 (b) of the Public Health Service Act (42 U.S.C. 248 and 249 (b)), Public Law 83-568 (42 U.S.C. 2001(a)), and the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

These changes are being made to the State Plan as Tribal Nursing Facilities receive a Tribal 638 authority designation to be reimbursed at the OMB published rate.

The estimated financial impact is (in federal funds) for FFY 23 \$8,015,360.00 (in federal funds) for FFY 24 \$8,015,360.00 (in federal funds).

### **OPPORTUNITY TO VIEW DOCUMENTS AND MAKE COMMENTS**

Medicaid providers, Medicaid recipients, and other interested parties are invited to make comments on this proposed SPA. The complete draft amendment may be found on the Department's website at: <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-open/>

A written copy of these proposed documents may be requested by contacting the HSD Medical Assistance Division (HSD/MAD) in Santa Fe at (505) 827-1337.

Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to [HSD-madrules@state.nm.us](mailto:HSD-madrules@state.nm.us). All comments must be received no later than **5:00 p.m. Mountain Time (MT) on September 17, 2023**. Written or e-mailed comments are preferred because they become part of the record associated with these changes.

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Copies of all comments will be made available by HSD/MAD upon request by providing copies directly to a requestor or by making them available on the HSD/MAD website or at a location within the county of the requestor.