



State of New Mexico
Medical Assistance Program Manual
Supplement



DATE: JANUARY 3, 2022

NUMBER: 22-01

TO: ALL PROVIDERS PARTICIPATING IN THE NEW MEXICO MEDICAID

FROM: NICOLE COMEAUX, J.D., M.P.H., MEDICAL ASSISTANCE DIVISION DIRECTOR

THROUGH: LORELEI KELLOGG, DEPUTY DIRECTOR, MEDICAL ASSISTANCE DIVISION

SUBJECT: REVISIONS TO THIRD PARTY LIABILITY (TPL) REQUIREMENTS

This supplement provides information on federal requirements related to changes in the Third Party Liability (TPL) requirements authorized under both the Bipartisan Budget Act (BBA) of 2018 (Pub. L. 115- 123) and the Medicaid Services Investment and Accountability Act (MSIAA) of 2019 (Pub. L. 116-16), affecting the BBA of 2013. The BBA of 2018 includes provisions that modify TPL rules related to special treatment of certain types of care and payment.

To ensure compliance with third party liability (TPL) requirements reflected in current law, the Medical Assistance Division (MAD) will commence use of standard coordination of benefit cost avoidance and end “pay and chase” processes when processing claims for prenatal services, including labor and delivery and postpartum care.

Effective January 1, 2022, MAD will reject but not deny claims for prenatal services, including labor and delivery and postpartum care for which MAD has established the probable existence of third party liability at the time the claim is filed, and the probability that the claim services will be covered by the primary insurance. The provider will be informed of the probable coverage of the claim by another insurance resource as well as the identity of the other insurance resource. Providers must file with the third party source before filing with Medicaid.

Please contact the Medical Assistance Division at MADInfo.HSD@state.nm.us if you have any questions regarding this supplement.