



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

March 14, 2023

RE: Tribal Notification to Request Advice and Comments Letter 23-03: Proposed amendments to 8.321.2 NMAC, Specialized Behavioral Health Provider Enrollment and Reimbursement

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 April 13, 2023**, regarding proposed amendments to New Mexico Administrative Code (NMAC) rule 8.321.2, Specialized Behavioral Health Provider Enrollment and Reimbursement.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: March 14, 2023

Public Hearing: April 13, 2023

Adoption Date: July 1, 2023

Technical Citations: 42 C.F.R. § 431.52(b)

The Department is proposing to amend the rule as follows:

8.321.2.37 NMAC

Section A Eligible Agencies

To ensure alignment with federal Medicaid requirements regarding payments for services furnished out-of-state, HSD is amending this section to allow Treatment Foster Care (TFC) to be provided by an out-of-state TFC agency when the agency has equivalent accreditation and is licensed in their own state as a TFC agency.

Estimated Total Financial Impact

HSD does not anticipate a financial impact.

Tribal Impact

HSD does not anticipate a tribal impact.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed NMAC rule on the HSD webpage at: <https://www.hsd.state.nm.us/providers/written-tribal-consultations/>. *Notification Letter 23-03*.

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

Important Dates

A public hearing to receive testimony on these proposed rules will be held via conference call on **Thursday, April 13, 2023, at 10:00 am, Mountain Time (MT)**. **Conference phone number: 1-800-747-5150. Access Code: 2284263.**

Written advice and comments must be received no later than 5:00 p.m. MT on April 13, 2023. Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to theresa.belanger@hsd.nm.gov.

All comments and responses will be compiled and made available after May 18, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole Comeaux".

Nicole Comeaux, J.D., M.P.H, Director
Medical Assistance Division