



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

August 22, 2019

RE: Tribal Notification to Request Advice and Comments Letter 19-14: Proposed Changes to 8.200.410 NMAC, Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services

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. on September 30, 2019** regarding proposed amendments to the New Mexico Administrative Code (NMAC) rule 8.320.2, Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services, which establishes the required use of electronic visit verification (EVV) for payment of personal care services of EPSDT eligible youth members as federally mandated by Section 12006 of the 21st Century Cures Act. The EVV requirement applies to personal care services or home health care services requiring an in-home visit by a provider that are provided under a State Plan.

These rule changes will establish that personal care service (PCS) providers will be required to utilize and train personal care attendants on the electronic visit verification system.

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: August 27, 2019

Hearing Date: September 30, 2019

Adoption Date: Proposed as January 1st, 2020

Technical Citations: Section 12006 of the 21st Century Cures Act

Estimated Total Financial Impact

Estimated total financial impact includes costs associated with implementing and ongoing maintenance of Electronic Visit Verification for New Mexico Medicaid eligible youth. Implementation includes estimates of devices and software systems set up. Total estimated cost is \$288,220. Please see the following table for breakdown of costs.

Estimated Implementation Costs (one time)	
Fee for Service (FFS)	\$140,000
Devices/Tablets for Caregivers (\$175 each)	\$175 x 500 caregivers = \$87,500
Implementation Subtotal	\$227,500
Estimated Ongoing Annual Costs	
Estimated MCO Capitation PMPM x MM	\$0.06 x 12,000 = \$720
Estimated FFS Maintenance and Processing Fees	\$51,000 + \$9,000 = \$60,000
Ongoing Costs Subtotal	\$60,720
TOTAL ESTIMATED COSTS	\$227,500 + \$60,720 = \$288,220

Tribal Impact

There is no expected financial impact to tribal entities as this is a free service to members of New Mexico Medicaid.

EVV has been in place with the Agency Based Community Benefits and have addressed limited communications coverage and training. For areas that lack communications coverage there are additional options. The care attendant can use the member's home phone for visit verification. A second option is a device with the EVV application which stores electronic visit verification data for up to 7 days. To address training, Care Coordinators will reach out to members to familiarize members in use of EVV.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed rule changes to 8.320.2 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>. **Notification Letter 19-14.**

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 on this rule is scheduled be held in the Rio Grande Room of the Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on September 30, 2019 at 10:30 a.m., Mountain Daylight Time (MDT).

Written advice and comments must be received no later than 5:00 p.m. MDT on September 30, 2019. Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by email to theresa.belanger@state.nm.us.

All comments and responses will be compiled and made available after October 21, 2019.

Sincerely,



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