



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

September 5, 2019

RE: Tribal Notification to Request Advice and Comments Letter 19-15: Proposed changes to *8.320.6 NMAC, School-Based Services for MAP Eligible Recipients Under Twenty-One Years of Age*.

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 Standard Time (MST) on October 10, 2019** regarding proposed amendments to the New Mexico Administrative Code (NMAC) rule *8.320.6 NMAC, School-Based Services for MAP Eligible Recipients Under Twenty-One Years of Age*.

These proposed amendments will allow MAD to pay for medically necessary services for a MAP eligible recipient under twenty-one years of age when the services are part of the MAP eligible recipient's (eligible recipient's) individualized education program (IEP) or an individualized family service plan (IFSP) for treatment (correction, amelioration, or prevention of deterioration) of an identified medical condition.

The Department is proposing to amend the rule as follows:

Section 8 Mission Statement

This section is being removed to be consistent with other program rules. This change has no effect on any administrative or programmatic functions.

Section 11 Eligible Providers

Subsection B.11

HSD is proposing to add to the supervision requirements for licensed master level social workers and licensed baccalaureate social workers to include other supervisors approved by the NM Board of Social Work Examiners.

This addition will bring this rule into alignment with the current practice of NM Board of Social Work Examiners. This will allow mid-level practitioners in rural or underserved areas to obtain necessary supervision that is in accordance with the rule.

Subsection B.12

HSD is proposing to add licensed associate marriage and family therapist to the list of allowable providers.

This addition will allow school-based providers in rural and underserved areas access to an increased pool of eligible practitioners which can bill for services. This provider type is already allowed outside the school setting.

Section 13 Covered Services

Subsection H

HSD is proposing to add Behavioral Health Services as a covered service in the school-based setting.

This addition corrects a previous omission of these services from the rule effective 1/1/2014. Behavioral Health services should not have been omitted and have been covered since this time.

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: September 10, 2019

Hearing Date: October 10, 2019

Adoption Date: Proposed as January 1, 2020

Technical Citations: 34 CFR 300.142

Estimated Total Financial Impact

Amending the rule may lead to additional federal draw-down for school-based services providers participating in the program.

Tribal Impact

HSD does not anticipate a service or financial impact to individuals, tribes or their healthcare providers based on the proposed amendments to this rule; instead HSD anticipates improved services to eligible recipients.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed amendments to rule 8.320.6 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>

Notification Letter 19-15.

If you do not have internet access, a copy of the proposed rule may be requested by contacting MAD at (505) 827-1337.

Important Dates

A public hearing on this rule is scheduled be held in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on October 10, 2019 at 9 a.m. MST.

Written advice and comments must be received no later than 5:00 p.m. MST on October 10, 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 31, 2019.

Sincerely,

Handwritten signature of Nicole Comeaux in black ink, appearing as 'KAMi fu NC'.

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

cc: Sharilyn Roanhorse-Aguilar, Bureau Chief, HSD/MAD/Exempt Services & Programs
Theresa Belanger, Native American Liaison, HSD/MAD
Christie Guinn, School Health Manager, HSD/MAD/Exempt Services & Programs
MAD/PPSB – Policy and Provider Services Bureau