

AMENDED

March 12, 2020

**RE: Tribal Notification to Request Advice and Comments Letter 20-05: NM.017.05.04
Medically Fragile Waiver Amendment and Fee Schedule**

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) Tribal Consultation requirements, 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) Wednesday, April 15, 2020** regarding proposed amendments to the Medically Fragile Home and Community-Based Services (HCBS) Waiver, NM.017.05.04 and proposed fee schedule. Currently, there are 15 Native American participants out of 162 unduplicated participants receiving services under the Medically Fragile Waiver (MFW) program.

The State intends to submit this amendment to the Centers for Medicare and Medicaid Services (CMS) in April 2020.

The key components of proposed changes under this waiver amendment are as follows:

1. Update to the developmental disabilities eligibility definition to functional versus a categorical eligibility criteria. The State found that national best practice is to utilize a "functional" criterion that is based on adaptive abilities. Updates were made to Appendix B-1-b.
2. Implement a rate increase, effective July 1, 2020 for Case Management, Home Health Aide, Nutritional Counseling, Occupational Therapy, Physical Therapy, Speech Language Pathology, Private Duty Nursing and Behavioral Support Consultation. The rate increase is based on a 2019 rate study conducted by the Department of Health. Updates were made to Appendix I-2, J-2-c(i), and J-2-d(i).

Tribal Impact

HSD anticipates a positive impact for MFW recipients and an increase in service availability to tribes and their healthcare providers who provide MFW services.

Estimated Total Financial Impact

Implementation of these waiver changes will result in an estimated fiscal impact of approximately \$593,500.00 (\$160,200.00 state general fund dollars) to increase rates to above listed services.

Tribal Advice and Comments

~~A formal Tribal consultation was held regarding the Supports Waiver on October 28, 2019. The~~ comments received from both the Tribal consultation and this Tribal notification will be reviewed by the State.

Tribes and tribal healthcare providers may view the proposed 1915 (c) Home and Community Based Services Supports Waiver Application on the HSD webpage at:
<http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> **Notification Letter 20-05.**

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 application is scheduled be held via conference call on Wednesday, April 15, 2020 at 10:00 a.m. Mountain Time (MT). The conference call toll-free number is: 1-800-747-5150, Access code: 0440241.

Written advice and comments must be received no later than **5:00 p.m. Mountain Time (MT) Wednesday, April 15, 2020**. 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 April 15, 2020.

Sincerely,



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