



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

May 15, 2020

RE: Tribal Notification to Request Advice and Comments Letter 20-11: Notice of Additional Proposed Temporary Changes to Medicaid Due to COVID-19 Outbreak

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. This letter is to inform you that the Human Services Department (HSD), through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m. Mountain Time (MT) through June 15, 2020**, regarding Additional Temporary Changes to Medicaid Due to COVID-19 Outbreak.

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the constitution and the laws of the United States. On January 31, 2020, and retroactively effective January 27, 2020, the Secretary of the United States Department of Health and Human Services (HHS) invoked his authority to waive or modify certain requirements as a result of the consequences of the COVID-19 pandemic to ensure sufficient health care coverage, items and services are available to meet the needs of individuals enrolled in the respective programs. The New Mexico Human Services Department (HSD) is seeking waiver authority to temporarily modify certain Medicaid requirements to ensure continuation of essential services to Medicaid beneficiaries without disruption or delay.

Through this notice, HSD invites members of the public and provider community to comment on the proposed changes that are described below. The proposed changes will require waivers or revisions to the New Mexico Medicaid State Plan that HSD must file with the federal Centers for Medicare and Medicaid Services (CMS).

1. Diagnosis Related Group (DRG) and Disproportionate Share Hospital (DSH) Increased Payment

HSD is proposing to apply a fifty percent rate increase to the DRG provider-specific rates and pass-through rates for Intensive Care Unit (ICU) inpatient hospital stays and a twelve point four percent rate increase to the DRG provider-specific rates and pass-through rates for all other inpatient hospital stays. HSD is also requesting to advance the distribution of DSH payments for the remainder of State Fiscal Year (SFY) 2020. This does not apply to Indian Nations, Tribes, Pueblos and their health care providers as they will continue to be reimbursed at the OMB rate.

2. Establish COVID Testing Group

HSD is proposing to establish a new category of eligibility (COE) referred to as the COVID Testing Group which will cover the uninsured population in New Mexico. Coverage is limited to COVID-19 testing and testing-related services; and allow for presumptive eligibility determinations to be made in hospital settings for this population.

3. Supplemental Targeted Upper Payment Limit (UPL) Payments for Certain Hospitals

HSD is proposing to implement targeted access supplemental payments for Safety Net Care Pool (SNCP) hospitals based on New Mexico's most recent Upper Payment Limit (UPL) analysis for state fiscal year 2020.

4. Nursing Facilities Increased Payment

HSD is proposing to apply a 30 percent rate increase to Nursing Facilities who are treating Medicaid members who test positive for COVID-19. The rate increase provides for an additional 30 percent of the per diem rate that a facility would receive for each COVID-19 positive member.

Estimated Total Financial Impact

HSD does not anticipate a financial impact to Indian Nations, Tribes, Pueblos or their health care providers for these proposed changes. In response to frequently changing federal regulations around the Medicaid program and the financial assistance the state is receiving from the federal government to respond to the COVID-19 pandemic, HSD continues to review the projected financial impact the public health emergency may have upon the state and will provide this information as soon as it becomes available.

Tribal Impact

HSD anticipates these proposed changes will have a positive impact for Native Americans, Pueblos, Indian Health Service (IHS) and Tribal health care providers. The temporary changes will help ensure Medicaid enrollees continue to receive necessary care and access to services during the COVID-19 national emergency period, without interruption.

Tribal Advice and Comments

Tribes and Tribal health care providers may view the proposed changes on Additional Proposed Temporary Medicaid Changes Due to COVID-19 Outbreak on the HSD website at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, Tribal Notification **20-11**.

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) on June 15, 2020. Please send your comments to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by

email to Theresa.Belanger@state.nm.us. All written comments received will be posted on the HSD website at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> along with this notification letter. The public posting will include the name and any contact information provided by the commenter.

Sincerely,



Nicole Comeaux, J.D., M.P.H.
State Medicaid Director