



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

August 4, 2020

RE: Tribal Notification to Request Advice and Comments Letter 20-15: Notice of Supplementary 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 September 4, 2020**, regarding Supplementary 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. Inpatient Hospital Rate Increase

HSD is proposing to apply a 12.4% rate increase to inpatient hospital stays that are not reimbursed on a Diagnosis Related Group (DRG) basis. The increase is retroactive for three months only, April through June 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. Pharmacy Payment Increase

HSD is proposing to apply a rate increase of \$1 to curbside medication pick-up for all Medicaid pharmacy providers. The increase cannot be applied retroactively and will be applied only for three months from the effective date.

3. Evaluation & Management (E&M) and non-E&M Rate Increases

HSD is proposing to apply a rate increase to non-hospital providers for E&M codes and non-E&M codes, not to exceed 98 percent of the Medicare fee schedule. For Medicaid only procedure codes, an average of 6.81 percent will be applied. The increase is retroactive for three months only, April through June 2020.

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 Supplementary 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 **20-15**.

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) on September 4, 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.

Tribal Leadership may request a government-to-government consultation by September 4, 2020. This request may be made to: Theresa.Belanger@state.nm.us or by calling (505) 827-3122.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole Comeaux". The signature is fluid and cursive, with a large initial "N" and "C".

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