



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

January 28, 2020

RE: Tribal Notification to Request Advice and Comments Letter 20-02: 8.200.510 NMAC, Medicaid Eligibility-General Recipient Policies, Resource Standards.

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 Time (MT) on March 12, 2020** regarding proposed amendments to the New Mexico Administrative Code (NMAC) rule *8.200.510 NMAC Medicaid Eligibility-General Recipient Policies* in order to implement the 2019 Federal SSI and Spousal Impoverishment Standards for the Medical Assistance Program categories of eligibility effective July 1, 2019.

These changes will affect how much the community spouse can keep monthly and how much the patient pay amount will be calculated monthly for the institutionalized member. The personal needs allowance that the institutionalized member can keep monthly is also going up.

The Department is proposing to amend the rule as follows:

8.200.510.8 NMAC

A new mission statement is being added that will guide the continued development of our Department's organizational culture and strategy.

8.200.510.12 NMAC

- Amended to reflect the increase in Personal Needs Allowance (PNA), for July 1, 2019.
- Amended to reflect the increase in the minimum monthly maintenance needs allowance (MMMNA) for July 1, 2019.
- Amended to reflect the increase in shelter expenses minimum of the community spouse for July 1, 2019.
- Amended to reflect shelter expenses maximum of the community spouse for July 1, 2019.

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: January 28, 2020

Hearing Date: March 12, 2020

Adoption Date: April 21, 2020

Technical Citations: 42 CFR 435.725 subparts A-F, Federal SSI and Impoverishment Standards for 2019.

Estimated Total Financial Impact

HSD anticipates minimal financial impact as a result of the rule change. The increase in deductions would allow the community spouse to live more comfortably in their home.

Tribal Impact

HSD anticipates a positive tribal impact as a result of these rule changes as Native Americans would more likely be eligible for Medicaid due to an increase in the deductions for institutional care Medicaid.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.200.510 NMAC on the HSD web page at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>. *Notification Letter 20-02.*

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

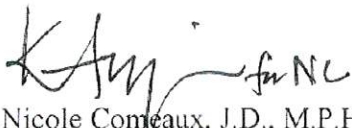
A public hearing on this rule is scheduled to be held in the Seminar Room, Public Employees Retirement Association of New Mexico (PERA), 33 Plaza La Prensa, Santa Fe, NM 87507 at 9:00 a.m., MT on March 12, 2020.

Written advice and comments must be received no later than 5:00 p.m. MT on March 12, 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 March 27, 2020.

Sincerely,



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