



September 29, 2020

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

RE: Tribal Notification to Request Advice and Comments Letter 20-24: 8.280.400 NMAC, Medicaid Eligibility – Program of All-Inclusive Care for the Elderly (PACE), Recipient Policies

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 October 30, 2020** regarding proposed amendments to 8.280.400 NMAC, Medicaid Eligibility PACE.

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.280.400 NMAC Medicaid Eligibility – Program of All-Inclusive Care for the Elderly (PACE). The PACE is a unique capitated program which addresses the long term care needs of frail elders. It features a comprehensive medical and social service delivery system to serve individuals with long-term care needs who are over 55 years of age, meet a nursing facility level of care, live in an eligible zip code within Bernalillo, Sandoval, and Valencia Counties and who, upon enrollment, are able to live safely and independently in the community setting. The department is proposing to amend the rule as follows:

8.280.400 NMAC

Section 8

The Department's mission statement was added.

Section 11

Language is clarified concerning the requirements that apply to applicants, recipients or both groups.

The individual requirements are more clearly grouped.

A fourth subsection, D, has been added in accordance with 42 Code of Federal Regulations (CFR) 460.150 which requires all applicants, upon enrollment into PACE, to be able to live in the community setting without jeopardy to their health and safety.

Amendments throughout the rule have been made changing “applicant/recipient” to “applicant or recipient” to show clarification of when language applies to both applicants and enrolled recipients, and when it does not.

Estimated Total Financial Impact

Implementation of these rule changes is not expected to impact general funds.

Tribal Impact

HSD anticipates a continued positive impact to service availability for the four (4) Native Americans, out of 422 total participants, living in the Albuquerque Metro PACE service area who are enrolled in PACE. Applicants who do not meet all eligibility requirements will receive appropriate referrals for placement or for other Medicaid programs.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.280.400 NMAC on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> **Notification Letter 20-24.**

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 via conference call on Friday, October 30, 2020 at 1:00 p.m. MT. Conference Number: 1-800-747-5150. Access Code: 2284263.

Written advice and comments must be received no later than 5:00 p.m. MT on October 30, 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 November 20, 2020.

Sincerely,



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

cc: Linda Gillet, PACE Contract Manager, HSD/MAD/Exempt Services and Programs Bureau (ESPB)
Shari Roanhorse, Bureau Chief, HSD/MAD/ESPB
Melanie Buenviaje, Deputy Bureau Chief, HSD/MAD/ESPB