

## NOTICE OF RULEMAKING

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.

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: September 29, 2020

Hearing Date: October 30, 2020

Adoption Date: Proposed as February 1, 2021

Technical Citations: 42 CFR 460.150 subparts (b)(4)(c)(1)

**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.

The register for these proposed amendments to this rule will be available September 29, 2020 on the HSD web site at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> or at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective February 1, 2021. A public hearing to receive testimony on this rule will be held via conference call on Friday, October 30, 2020 at 1:00 p.m., Mountain Time (MT). **Conference Number: 1-800-747-5150. Access Code: 2284263.**

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATTN: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. MT on October 30, 2020. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.