

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) rules *8.302.1 NMAC, Medicaid General Provider Policies, General Provider Policies and 8.310.3 NMAC, Health Care Professional Services, Professional Providers, Services and Reimbursement.*

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: July 26, 2022

Hearing Date: August 26, 2022

Adoption Date: Proposed as January 1, 2023

Technical Citations: American Rescue Plan 2021 Section 9812

The Department is proposing to amend the rules as follows:

Background

The Department issued final register 06 volume 45 dated April 5, 2022, that implemented the 12-month postpartum rules located at 8.291.400.14 NMAC. Per 8.291.400.14 NMAC, the Department provides full Medicaid coverage through the last day of the month in which the 12-month postpartum period ends. Upon review of program rules the Department identified 8.302.1 and 8.310.3 NMAC that contain language limiting eligibility to pregnancy-related services rather than the required full Medicaid coverage. MAD is updating these two rules by deleting the limited pregnancy-related services language. Both rules are being repealed and replaced with the latest NMAC formatting as these rules have not been revised in several years and use outdated NMAC formatting.

Changes were made to clarify that midwife services are furnished by a certified nurse midwife or licensed midwife, that coverage is provided for laboratory and diagnostic imaging services related to a normal pregnancy, what midwife services are not covered, and to describe the Birthing Options Program.

8.302.1 NMAC

Section 12 is revised to remove the language that benefits may be limited to pregnancy-related benefits.

Other sections in 8.302.1 were revised to remove or replace outdated terms and add the current mission statement consistent with other recent NMAC rule changes promulgated by the Department.

8.310.3 NMAC

Section 9

Subsection A Paragraph 1 was updated to add licensed chiropractor and licensed naturopathic doctor to the list of medical practitioners.

Section 11

Paragraph 2 of Subsection C of Section 11 was updated to clarify that for midwife services reimbursement is for a certified nurse midwife or a licensed midwife.

Paragraph 3 of Subsection I of Section 11 has been deleted to remove the language that services may be limited to pregnancy-related services. Subsection I was renumbered after deleting the language from Paragraph 3.

A new Paragraph 9 of Subsection I of Section 11 was added to clarify that Medicaid covers laboratory and diagnostic imaging services to an essentially normal pregnancy.

A new Paragraph 10 of Subsection I of Section 11 was added to clarify what services are not covered under midwife services.

A new Paragraph 11 of Subsection I of Section 11 was added to describe the Birthing Options Program.

Other sections in 8.310.3 were revised to remove or replace outdated terms and add the current mission statement consistent with other recent NMAC rule changes promulgated by the Department.

The register for these proposed amendments to these rules will be available July 26, 2022 on the HSD web site at <https://www.hsd.state.nm.us/lookingforinformation/register/> or at <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have Internet access, a copy of the proposed rule may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective January 1, 2023. A public hearing to receive testimony on these proposed rules will be held **via conference call on Friday, August 26, 2022, at 10 a.m. Mountain Time (MT). Conference phone number: 1-800-747-5150. Access Code: 2284263.**

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: 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. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on August 26, 2022. 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 <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/> 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.