HEALTH CARE AUTHORITY

Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
Alanna Dancis, Acting Medicaid Director

October 5, 2026

RE: Tribal Notification to Request Advice and Comments Letter 26-27: Proposed Amendments to 8.311.2 NMAC, Hospital Services

Dear Tribal Leadership, Indian Health Service, Tribal 638 Health/Urban Indian Health Centers Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers (Indian Health Services/PL93-638) is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Health Care Authority's (HCA's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HCA, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m., Mountain Time (MT) on November 6, 2026,** regarding proposed amendments to NMAC 8.311.2, *Hospital Services*.

The HCA is proposing the following amendments:

8.311.2

Section 8
The Mission Statement has been updated to include HCA's current mission statement.

Section 14
Subsection G has been amended to remove the reference to expired MAD-765 form, *Experimental or Investigational Procedures or Therapies,* and clarifies and adds language referring to NMAC 8.310.2 that details coverage for qualifying clinical trial (QCT) for experimental or investigational services.

Subsection K has been amended to add language that allows hospitals to bill and be reimbursed separately for Pasteurized Human Donor Milk (PHDM), Long-Acting Reversable Contraceptive (LARC) devices, and Comprehensive Addiction and Recovery Act (CARA) Plans of Safe Care (POSC).

Section 15
Language has been amended to clarify and add language referring to NMAC 8.310.2 that details coverage for QCT for experimental or investigational services.

Throughout the NMAC updates have been made to comply with formatting and language requirements and to update outdated NMAC references.

Estimated Total Financial Impact
The HCA does not anticipate any financial impact for Indian Nations, Tribes, and Pueblos and their health care providers with this change.

Tribal Impact
HCA anticipates a positive impact due to possible expanded access to durable medical equipment, new and expanded services for 124, 060 tribal members and their providers.

Tribal Advice and Comments
Tribes and tribal healthcare providers may view the proposed 8.311.2 NMAC on the HCA webpage at: https://www.hca.nm.gov/providers/written-tribal-consultations/. ***Notification letter 26-27.***

A written copy of these documents may be requested by contacting HCA/MAD in Santa Fe at (505) 827-1337.

Important Dates
A public hearing to receive testimony on this proposed rule will be held on **November 6, 2026, at 9:00 a.m., Mountain Time (MT)**. The hearing will be held in the Large Conference Room at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting
Join: https://teams.microsoft.com/meet/229912860055385?p=thdLETOOMuvMuZ4SS6
Meeting ID: 229 912 860 055 385
Passcode: Ar3CN7jC

Dial in by phone
+1 505-312-4308,,268496404# United States, Albuquerque
Phone conference ID: 268 496 404#

Written advice and comments must be received no later than 5:00 p.m. MT on November 6, 2026. Please send your advice, comments or questions to the MAD Native American Liaison, Pharon Morgan, at (505) 469-6877 or by email to pharon.morgan@hca.nm.gov.

Sincerely,



Alanna Dancis, Acting Director
Medical Assistance Division