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 26-28: Proposed Amendment to 8.310.2 NMAC and Proposed NMAC 8.310.16

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, Tribal Health 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 the New Mexico Administrative Code (NMAC) rule 8.310.2, *Health Care Professional Services, General Benefit Description*. HCA/MAD is also proposing a new NMAC, 8.310.16, *Health Care Professional Services, Sate Funded Benefits*.

The HCA is proposing to amend the rule as follows:

8.310.2 NMAC

Section 10
Language has been amended in the Relationship to Medicare section to align with current reimbursement methodologies.

Section 12
Language regarding the medical practitioners has been amended to align with CMS and AMA guidelines for unbundling global maternity care to itemized maternity care.

Language regarding the medical practitioners related to the birthing options program has been amended to align with the 2025 Legislative House Bill 56.

Language has been amended to add biomarker services to align with the 2023 Legislative House Bill 73.

Language for telehealth services has been amended to align with the 42 CFR 410.78.

Pregnancy termination services have been removed from NMAC 8.310.2 and will be added into a new NMAC 8.310.16, *Health Care Professional Services, State Funded Benefits*.

Language related to experimental or investigational services (qualified clinical trials) has been amended and updated to align with the Centers for Medicare & Medicaid Services (CMS).

Language has been amended to include new benefits and requirements for: lactation care services, prenatal maternal genetic screening, dental, medically tailored meals, client medical transportation, gender affirming care, community health workers/community health representatives, chiropractic services, and medical respite.

Section 14
Language has been amended to provide clarification on dental services regarding criteria and prior authorization requirements.

8.310.16 NMAC

Pregnancy termination services have been moved from NMAC 8.310.2 and will be included in the new NMAC 8.310.16, *Health Care Professional Services, State Funded Benefits*.

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 related to new and expanded services and durable medical equipment for 124,060 tribal members and their providers.

Tribal Advice and Comments
Tribes and tribal healthcare providers may view the proposed NMACs 8.310.2 and 8.310.16 on the HCA webpage at: https://www.hca.nm.gov/providers/written-tribal-consultations/
Notification letter 26-28.

A written copy of these documents may be requested by contacting the HCA Medical Assistance Division (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 11:00 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 Microsoft Teams.

Join Teams Meeting
Join: https://teams.microsoft.com/meet/25604335268768?p=qcv0i29sTMMGKlY0fL
Meeting ID: 256 043 352 687 68
Passcode: hi2XW6MR

Dial in by phone
+1 505-312-4308,,98058573# United States, Albuquerque
Phone conference ID: 980 585 73#

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