HEALTH CARE
AUTHORITY

Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
Dana Flannery, Medicaid Director

November 4, 2025

RE: Tribal Notification to Request Advice and Comments Letter 25-18: Proposed Repeal of NMAC 8.314.7, Long Term Care Services - Waivers, Supports Waiver

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 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 December 8, 2025,** regarding the proposed repeal of New Mexico Administrative Code (NMAC) 8.314.7, *Long Term Care Services- Waivers Supports Waiver*.

The Supports Waiver is a 1915(c) Home and Community Based Services (HCBS) waiver developed in 2019–2020 to provide services and supports to individuals with intellectual and developmental disabilities who were on the Developmental Disabilities (DD) Waiver waitlist. At the time of implementation on July 1, 2020, the waitlist exceeded 13 years.

Since then, the Developmental Disabilities Supports Division (DDSD) has implemented an aggressive strategy to eliminate the waitlist, including a "Super Allocation" initiative that launched in 2021. In addition, the State received funding in its Fiscal Year 2026 budget, via House Bill 2, to create a sustained "no wait list" policy for the comprehensive DD and Mi Via waivers.

On May 1, 2025, the DDSD Pre-Service Intake Bureau (PSIB) sent approximately 700 letters to individuals on the DD Waiver waitlist, including waitlist members receiving services through the Supports Waiver. All individuals currently enrolled in the Supports Waiver have been offered an allocation to the comprehensive DD or Mi Via waivers. As a result of these efforts and the successful elimination of the waitlist, there is no longer a need for the Supports Waiver.

Estimated Total Financial Impact
There is no financial impact on tribes, tribal members, tribal providers, or tribal health centers.

Tribal Impact
There were six Native American participants in the Supports Waiver in State Fiscal Year 2025. This change positively impacts tribal members, as individuals can now access services through the comprehensive DD or Mi Via waivers, which offer a broader range of supports, without delay or the need for placement on a waitlist.

Tribal Advice and Comments
Tribes and tribal healthcare providers may view the current NMAC 8.314.7 proposed for repeal on the HCA website at: https://www.hca.nm.gov/providers/written-tribal-consultations/. ***Notification letter 25-18.***

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 repeal will be held on December 8, 2025, at 9:00 a.m. The hearing will be held in the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting
Join the meeting now
Meeting ID: 289 224 705 668 5
Passcode: 2H3fr6wo

Dial in by phone
+1 505-312-4308,,617819414# United States, Albuquerque
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Phone conference ID: 617 819 414#

Written advice and comments must be received no later than 5:00 p.m. MT on December 8, 2025.
Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to theresa.belanger@hca.nm.gov.

Sincerely,

Dana Flannery, Director
Medical Assistance Division