



**State of New Mexico  
Human Services  
Department**

Turquoise Care  
Section 1115 Medicaid Demonstration  
Waiver Renewal Supplemental Request

to

Centers for Medicare & Medicaid Services (CMS)  
US Department of Health and Human Services

Kari Armijo, Acting Cabinet Secretary,  
New Mexico Human Services Department

Lorelei Kellogg, Acting Medicaid Director  
Medical Assistance Division



**Michelle Lujan Grisham, Governor**  
Kari Armijo, Acting Secretary  
Lorelei Kellogg, Acting Medicaid Director

September 18, 2023

The Honorable Xavier Becerra  
Secretary of the U.S. Department of Health & Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850

Dear Secretary and Administrator,

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by the Centers for Medicare and Medicaid Services (CMS) of new opportunities to extend certain PHE-related flexibilities, the New Mexico Human Services Department (HSD) is proposing to supplement and enhance its current Medicaid Turquoise Care 1115 renewal application to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit and ensure no gap in 1115 waiver authority occurs.

Enclosed is our Supplemental Request that supports the goals of our Turquoise Care waiver renewal and specifically allows us to build a New Mexico health care delivery system where every Medicaid member has a dedicated health care team that is accessible for both preventive and emergency care that supports the whole person – their physical, behavioral, and social drivers of health. Our request expands the types of individuals eligible to render PCS under EPSDT and provides the following enhancements to our Medicaid beneficiaries accessing EPSDT benefits:

- Supports access to PCS by allowing a wider pool of qualified providers;
- Enables individuals to receive medically necessary services in the event the traditional provider workforce is diminished or there is inadequate capacity;
- Strengthens the provision of supports in the community using a cost-effective person-centered approach; and

- Ensures that LRIs can be justly compensated for their caregiving work.

It's important to continue the State's support to unpaid caregivers, while ensuring that individuals eligible for PCS can get their needs met in the community. Through this Supplemental Request and in partnership with CMS, we will address the needs of the State's historically underserved communities, creating an accessible and high-quality health care system that serves all New Mexicans. We look forward to our continued collaboration and CMS' expedited approval to ensure our Medicaid beneficiaries do not experience a disruption in services.

Sincerely,



Lorelei Kellogg  
New Mexico State Medicaid Acting Director  
Human Services Department

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# New Mexico Human Services Department

## Medicaid Turquoise Care 1115 Demonstration Waiver Renewal Supplemental Proposal

### A. Introduction

#### **Purpose of this supplemental proposal:**

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by the Centers for Medicare & Medicaid Services (CMS) of new opportunities to extend certain PHE-related flexibilities<sup>1</sup>, the New Mexico Human Services Department (HSD) is proposing to supplement and enhance the Medicaid Turquoise Care 1115 renewal application to make permanent the 1115 demonstration authority **to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit and ensure no gap in 1115 waiver authority occurs.**

#### **Background:**

On December 15, 2022, the New Mexico Human Services Department (HSD) submitted a 5-year Medicaid 1115 demonstration waiver renewal application to CMS for an anticipated effective date of January 1, 2024 through December 31, 2028, seeking federal approval to renew and enhance the current Centennial Care 2.0 waiver (Project Number 11-W-00285/9). The renewal period is referred to by the demonstration's new name: *Turquoise Care*. New Mexico provided an opportunity for public input on the draft Turquoise Care 1115 application in September and October 2022 and responded to those comments in the final application submitted to CMS. New Mexico's December 2022 Turquoise Care Medicaid 1115 waiver renewal application for Turquoise Care can be found here (for information only):

<https://www.hsd.state.nm.us/wp-content/uploads/New-Mexico-Turquoise-Care-1115-Waiver-Renewal-Application.pdf>. HSD is now supplementing the original Turquoise Care 1115 renewal request to add permanent authority for LRIs providing PCS under EPSDT.

### B. Renewal and Supplemental Proposal Goals and Objectives

The Turquoise Care waiver renewal request is constructed around three goals:

- **Goal 1:** Build a New Mexico health care delivery system where every Medicaid member has a dedicated health care team that is accessible for both preventive and emergency care that supports the whole person - their physical, behavioral, and social drivers of health.
- **Goal 2:** Strengthen the New Mexico health care delivery system through the expansion and implementation of innovative payment reforms and value-based initiatives.
- **Goal 3:** Identify groups that have been historically and intentionally disenfranchised and

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<sup>1</sup> New CMS Guidance to Ensure Continuity of Key Flexibilities Implemented During the COVID-19 PHE  
<https://www.medicaid.gov/sites/default/files/2023-08/smd23004.pdf>

address health disparities through strategic program changes to enable an equitable chance at living healthy lives.

Turquoise Care will target initiatives focused on the following populations:

1. Prenatal, postpartum, and members parenting children, including children in state custody;
2. Seniors and members with long-term services and supports (LTSS) needs;
3. Members with behavioral health conditions;
4. Native American members; and
5. Justice-involved individuals.

This supplemental proposal to allow families to use LRIs as providers of EPSDT personal care services (PCS) supports our focus on children and members with LTSS needs, and the goals under Turquoise Care to address health disparities through strategic program changes to enable an equitable chance at living healthy lives.

### **C. History of New Mexico's 1115 Demonstration: Centennial Care to Turquoise Care**

- The initial Centennial Care 1115 demonstration was approved in 2013, implemented in 2014, and consolidated multiple separate federal waivers, expanded coverage to adults with incomes up to 138% of the federal poverty level (FPL), and created a comprehensive, integrated managed care delivery system.
- Centennial Care 2.0 was approved as a renewal demonstration in 2018, implemented in 2019, and operates under this authority today. Centennial Care 2.0 built upon previous successes, addressed the needs of individuals with substance use disorders, and implemented pilot programs for home visiting and pre-tenancy and tenancy supports for individuals living with Severe Mental Illness (SMI). Centennial Care 2.0 also authorized several flexibilities required to serve Medicaid members during the COVID-19 Public Health Emergency.
- In 2022, HSD requested a five-year renewal of the Centennial Care 2.0 1115 waiver, to be known as Turquoise Care upon approval by CMS. This request is pending with CMS and HSD is requesting to supplement the renewal request with this proposal for LRIs to render PCS to EPSDT enrollees. To learn more about New Mexico's vision for Medicaid under Turquoise Care, a history of the Centennial Care Program, and evidence of how the Centennial Care Program goals have been met, see the Turquoise Care 1115 renewal application to CMS available at <https://www.hsd.state.nm.us/wp-content/uploads/New-Mexico-Turquoise-Care-1115-Waiver-Renewal-Application.pdf>.

## **D. Eligibility, Enrollment, Benefits, Cost Sharing, and Delivery System for the Turquoise Care Supplemental Proposal for PCS LRIs under EPSDT**

### **1. Eligibility and Enrollment**

This supplemental proposal for PCS LRIs under EPSDT has no impact on the Medicaid State Plan eligibility groups, the Centennial Care eligibility groups, or the proposed eligibility under the Turquoise Care renewal. HSD estimates an average of 1,248 members will use LRIs for EPSDT PCS each year.

### **2. Premiums and Cost Sharing**

Premiums and cost-sharing will continue to follow the approved Medicaid State Plan. There are no premiums or cost-sharing for EPSDT PCS.

### **3. Benefits**

#### **Enhanced Supports for Members in Need of EPSDT Personal Care**

##### Proposal

HSD is proposing to permanently allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit.

##### Proposal Objectives

HSD's objectives in expanding the types of individuals eligible to render PCS under the EPSDT benefit include:

- Supporting access to PCS by allowing a wider pool of qualified providers;
- Enabling individuals to receive medically necessary services in the event the traditional provider workforce is diminished or there is inadequate capacity;
- Strengthening the provision of supports in the community using a cost-effective person-centered approach; and
- Ensuring that legally responsible individuals can be justly compensated for their caregiving work.

##### Background

The COVID-19 pandemic created a notable shortage of health care workers and made it more difficult for individuals under 21 years of age find support in their homes and communities for activities of daily living (ADLs). As a result of the COVID-19 PHE, HSD received a number of CMS approved emergency waivers, permitting the state to temporarily allow payment for services rendered by family caregivers or LRIs under the Fee for Service and Managed Care delivery systems. Emergency Waivers included the following:

- Appendix K: Emergency Preparedness and Response and COVID-19 Addendum for Managed Care Delivery System
  - Approval Timeframe: January 27, 2020 – November 11, 2023
- CMS 1135 Waiver for Fee for Service Delivery System
  - Approval Timeframe: March 1, 2020 – May 11, 2023

- COVID-19 PHE Demonstration Application for Fee for Service and Managed Care Delivery Systems
  - Approval Timeframe: May 11, 2023 – November 11, 2023

New Mexico is now submitting a revision to its pending Medicaid Turquoise Care 1115 Waiver renewal application to CMS to include this supplemental proposal for permanent authority of the LRI option.

Proposal Details

HSD is proposing to permanently allow State-Authorized LRIs, such as relatives and guardians, to render PCS under Fee for Service and Managed Care Delivery systems for the EPSDT Benefit. This authority is currently granted under the applicable temporary emergency authorities above. Continuing this authorization is important to continue the State’s support to unpaid caregivers and ensuring that individuals eligible for PCS can get their needs met in the community.

Members accessing services must coordinate with appropriate provider agencies to ensure the LRI’s provision of service is authorized by the Managed Care Organization or Third-Party Assessor (TPA). The LRI must meet all personal care service requirements, personal care service training, and extraordinary care requirements.

**4. Delivery System**

LRIs will be permitted to serve as providers of EPSDT personal care services in both fee-for-service and managed care delivery systems.

**E. Waiver and Expenditure Authorities**

**Table 1: Supplemental Requested Waiver Authorities**

	Waiver Authorities	Use for Waiver Authority	Currently Approved Authority?
1.	Self-Direction of Care  Section 1902(a)(32)	To permit persons receiving certain services to self-direct their care for such services.  To permit state-authorized relatives, guardians, and or legally responsible individuals to provide EPSDT personal care services.*	Current/New

\*The September 7, 2023 CMS approval of the COVID-19 PHE Demonstration Amendment did not identify this waiver authority as necessary for LRIs to provide EPSDT PCS. While this authority may not be necessary, HSD has included this request for consistency within the 1115 transparency and public notice process for this supplemental proposal.



**Table 2: Supplemental Requested Expenditure Authorities**

Use for Expenditure Authority	Currently Approved Expenditure Authority?
<p>1. (Updated to reflect the additional expenditure authority granted in CMS’ September 7, 2023 approval of the COVID-19 PHE Demonstration amendment)*  <b>Expenditures for the of use legally responsible individuals to render personal care services (PCS).</b> To allow payment for 1905(a) personal care services rendered by legally responsible individuals (which could be inclusive of legally responsible family caregivers) providing that the state meets all existing requirements as described under the Medicaid state plan, including Electronic Visit Verification requirements.</p>	New

\*HSD included a request in the draft application for public notice for expenditure authority as follows: “Expenditures to provide self-directed personal care for children under the state plan EPSDT benefit.”

HSD has updated the expenditure authority request in the final application for the supplemental proposal to align with the expenditure authority granted in the September 7, 2023 CMS approval of the COVID-19 PHE Demonstration Amendment. To clarify, HSD only seeks expenditure authority for the use of LRIs as providers of EPSDT services. No other self-direction of EPSDT PCS is being proposed.

**F. Impact on Enrollment and Expenditures**

**Table 3: Historical Data for Current Demonstration Period – Comprehensive**

	DY6	DY7	DY8	DY9*	DY10*	Five Year Total
	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	
Total Enrollment	851,880	864,076	864,123	878,365	793,365	
Total Expenditure (in billions)	\$5.1	\$5.9	\$6.5	\$6.8	\$7.0	\$31.3

\*Based on projections from the current approved waiver and amendment request pending at time of the Turquoise Care submission. Differences may exist due to rounding.

**Table 4: Projected Data for Demonstration Renewal Period - Comprehensive**

	DY11	DY12	DY13	DY14	DY15	Five Year Total
	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028	
Total Enrollment	827,633	864,314	872,957	881,686	890,503	
Total Continuing	\$7.3	\$7.6	\$7.9	\$8.2	\$8.5	\$39.5

	DY11	DY12	DY13	DY14	DY15	Five Year Total
	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028	
Demonstration Expenditures (in billions)						
Total New Demonstration Expenditures	\$91,147,000	\$110,979,000	\$132,961,000	\$136,625,000	\$140,487,000	\$612,199,000
Total Expenditure (in billions)	\$7.4	\$7.7	\$8.0	\$8.3	\$8.7	\$40.1

**Note:** Includes amounts from Table 5. Differences may exist due to rounding.

**Table 5: Projected Expenditures and Enrollment for Turquoise Care Renewal Period – Supplemental Proposal**

	DY11	DY12	DY13	DY14	DY15	Five Year Total
	CY 2024	CY 2025	CY 2026	CY 2027	CY 2028	
Projected Enrollment for Supplemental Turquoise Care Proposal: LRIs for EPSDT Personal Care	861	1,057	1,235	1,434	1,654	6,241
Projected Expenditures for Supplemental Turquoise Care Proposal: LRIs for EPSDT Personal Care	\$15,172,128	\$19,557,205	\$23,993,135	\$29,252,223	\$35,427,092	\$123,401,783
Original Turquoise Care Proposals	\$91,147,000	\$110,979,000	\$132,961,000	\$136,625,000	\$140,487,000	\$612,199,000

**Note:** All amounts in this table are included in the total expenditures in Table 4. Differences may exist due to rounding.

Projected enrollment (monthly enrollment) and expenditures rely on average observed utilization and expenditures for PCS with consideration for trend over the course of the renewal period. Upon further review, this proposal is expected to shift current state plan expenditures under EPSDT to 1115 authority and therefore expected to be budget neutral. No modifications are expected to the current Medicaid Expenditure Group (MEG) budget neutrality projections.

### G. State Quality Monitoring Activities

HSD will continue to monitor its 1115 Demonstration and MCOs for quality assurance and improvement to ensure progress towards and actualization of Turquoise Care goals and objectives. This includes, but is not limited to, Implementation of the State’s Quality Strategy, External Quality Review Organization (EQRO) results and recommendations, and the quarterly

and annual reports HSD submits in accordance with demonstration special terms and conditions (STCs). A comprehensive description of HSD’s monitoring activities, including evaluation reporting and the Interim Evaluation report, can be found in the Turquoise Care 1115 renewal application to CMS available at <https://www.hsd.state.nm.us/wp-content/uploads/New-Mexico-Turquoise-Care-1115-Waiver-Renewal-Application.pdf>.

## H. Hypotheses and Evaluation Parameters

**Table 6: Demonstration Goals and Evaluation Hypotheses**

Goal	Hypothesis	Methodology	Data Sources	New/Continuing?
<b>Turquoise Care Goal 1:</b> Build a New Mexico health care delivery system where every Medicaid member has a dedicated health care team that is accessible for both preventive and emergency care that supports the whole person - their physical, behavioral, and social drivers of health.				
1.7	The ability for legally responsible individuals to provide personal care services to individuals receiving EPSDT PCS will ensure member access to EPSDT PCS.	Members receiving personal care EPSDT services from legally responsible individuals will have the same or greater utilization of necessary EPSDT PCS annually throughout the demonstration in comparison to service utilization prior to implementation of this benefit.	Administrative claims data	New

HSD will update its Evaluation Design, per Section XII of the New Mexico Centennial Care 2.0 1115 Demonstration Waiver STCs, to incorporate this Supplemental Proposal, which will allow LRIs to render PCS under the EPSDT benefit.

## I. Public Notice and Tribal Consultation

HSD has complied with all public process and tribal consultation requirements per 42 CFR §431.408. HSD’s transparency process for the Medicaid Turquoise Care 1115 Demonstration Waiver Renewal Supplemental Proposal is described below and documented in Appendix A.

### Public Notice and Comment

A formal public comment period was held from August 18, 2023 through September 17, 2023, providing opportunities to health care and social service providers, Medicaid beneficiaries, Tribal leadership, Indian Health Services, Tribal Nations, Tribal health providers, Urban Indian health care providers, Managed Care Organizations, hospitals and health systems, medical associations, community-based organizations, members of the public, and others to provide feedback on HSD’s draft Turquoise Care Medicaid 1115 Demonstration Waiver Renewal Supplemental Proposal. Pursuant to 42 CFR § 431.408(a)(1)(ii-iv), public comments were welcomed by mail, email, public hearing, and Tribal Consultation (if requested). The following two public hearings were held to obtain feedback in-person and virtually:

Date	Public Hearing
August 21, 2023	Public Hearing #1 (During New Mexico’s regularly scheduled Medicaid Advisory Committee (MAC) meeting)
August 29, 2023	Public Hearing #2

In preparation for HSD’s public comment period, public hearings, and formal Tribal Consultation (if requested), HSD issued notices by mail and email to Tribal leaders, Tribal partners, and interested parties, which included but were not limited to MAC Members and Partners, Provider Associations and Providers, and Advocacy Groups. Notices included the same information as the abbreviated public notice posted on HSD’s dedicated 1115 demonstration renewal webpage. The notices also provided access to and/or resources for the draft Turquoise Care Medicaid 1115 Demonstration Waiver Renewal Supplemental Proposal, Full Public Notice, and Tribal Notification. The Supplemental Proposal and Full Public Notice contained financial impact, waiver and expenditure authorities being requested, and hypothesis and evaluation parameters. The Tribal Notification included direct access to this information. If interested parties did not have access to the internet or if special accommodations were needed, they were to contact HSD’s Medical Assistance Division (MAD) for assistance.

Pursuant to 42 CFR § 431.408(a)(2)(ii), HSD published an abbreviated public notice in two newspapers with the widest circulation in each city with a population of more than 100,000, the Albuquerque Journal and the Las Cruces Sun News, on August 18, 2023. Pursuant to 42 CFR § 431.408(a)(2)(i), HSD posted the full public notice on the HSD dedicated 1115 demonstration renewal webpage for a public comment period that began on August 18, 2023 and ended on September 17, 2023. The abbreviated and full versions of the public notice referenced above contained all information required by 42 CFR § 431.408. The full public notice and the draft waiver supplemental proposal are posted within HSD’s website on the dedicated 1115 demonstration renewal webpage at <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>. These documents have remained posted on the dedicated webpage throughout the comment period and will remain posted indefinitely.

**Tribal Notice, Consultation, and Feedback**

HSD sent formal Tribal notice on August 18, 2023, seeking comments from New Mexico’s Indian Nations, Tribes, Pueblos, and their health care providers, and also giving Tribal partners an opportunity to request formal Tribal Consultation, per New Mexico’s Tribal Consultation Requirements under State Plan Amendment #16-0003. The notice included information on the public comment period, public hearings, how to request Tribal Consultation, the same information as the abbreviated public notice, and an overview of this proposal and its perceived impact on Tribal members and providers. HSD did not receive any requests for formal Tribal Consultation.

**Summary of Stakeholder Feedback (Including Feedback from Federally Recognized Tribal Nations, if any) and State Responses**

A summary of feedback received from these efforts and HSD responses are below.

- 1. One commenter attended a public hearing and vocalized their full support of LRIs continuing to be paid for providing personal care services and noted that paying LRIs provides quality care, fills a huge industry gap, and provides care in the family’s**

preferred setting. The commenter also noted that paying LRIs should be expanded to the Community Benefit (CB) for PCS and not be limited to the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit. This commenter also responded in writing on behalf of an association representing home health, hospice and personal care agencies throughout New Mexico who provide services at over 150 locations across the state. During the PHE, they learned that home is both the more preferred and most cost-effective community care setting. The commenter noted support of the expansion to LRIs to render PCS for *all* PCS whether that care is agency based, self-directed care or through the EPSDT benefit. Although the commenter noted its support of the State's proposal, they indicated that this waiver alone will not address the current personal care service worker shortage and hoped to continue its work with HSD to determine an appropriate reimbursement rate to support PCS through the Community Benefit and EPSDT benefit.

*HSD/MAD Response: We appreciate the comment in support of our EPSDT LRI proposal. To confirm, the Turquoise Care (1115 Renewal) Application includes our request to permanently continue LRIs under the CB program as well.*

*HSD is clarifying that this expansion is only for the agency-based model under the Community Benefit and EPSDT benefit. We are not exploring this authorization for or allowing self-direction under the EPSDT benefit at this time.*

*This Supplemental Proposal is one of many efforts to address the shortage of PCS workers and the impacts on service delivery. Additional efforts have been deployed to support providers financially. HSD has implemented permanent rate increases for PCS under the EPSDT benefit to align with 1915c provider rates. HSD is in the process of operationalizing temporary 10% and 5% increases with the use of Section 9817 American Rescue Plan (ARP) funding. HSD will continue its collaboration with stakeholders to explore further funding opportunities.*

- 2. Multiple commenters inquired as to whether HSD/MAD will be adding regular PCS to the supplement to allow LRIs/spouses to continue to be the paid caregivers across program areas and whether LRIs will be considered for EPSDT private duty nurse/personal digital assistant services as well.**

*HSD/MAD Response: Our supplemental request only addresses LRIs as providers of EPSDT PCS.*

*Our Turquoise Care Medicaid 1115 waiver renewal application that was submitted to CMS in December 2022 already included our request to continue this authority under the CB program. We have temporary authority for our CB program through November 11, 2023. We are working with CMS to obtain temporary authority under EPSDT through a COVID-19 PHE demonstration amendment, which will provide the temporary authority through November 11, 2023. We are working with CMS to ensure there is no gap when these temporary flexibilities end, and are therefore, incorporating both requests into our waiver renewal.*

*Regarding 1915(c) waivers, we are already permitting this service under our Mi Via and Supports Waivers. We are still in discussions with the Department of Health to determine if they will continue under our Developmental Disabilities Waiver (DDW) and Medically Fragile Waiver. This determination is pending and has not been finalized at this time.*

Note: New Mexico has since decided to request continued authorization under its DDW and Medically Fragile Waiver and has provided preliminary reviews to CMS prior to formal submission. The waiver amendments are under public comment, which began September 8, 2023 and ends November 6, 2023.

- 3. One commenter noted that private duty nursing is experiencing the same understaffing that is occurring for PCS providers and asked what can be done to allow LRIs for nursing services. This commenter noted the impact on the family when nurses are not available to provide services to a child so that the parent/caregiver can work.**

*HSD/MAD Response: Thank you for expressing this concern. At this time, our supplement will only address LRIs for PCS under EPSDT in order to ensure there is no gap when the temporary authorities expire; however, we are taking this concern back for consideration to determine what policy options we have to make sure members are getting needed services.*

- 4. One comment came from a parent of a disabled child and current paid caregiver. They noted concern that this paid service may end, and wrote that for the last four years they have provided PCS due to factors outside their control. The commenter noted their support for the proposal and continuing to allow parents as paid caregivers.**

*HSD/MAD Response: We appreciate the comment in support of our EPSDT LRI proposal and the work you do to serve one of our most critical populations. This proposal will support your continued caregiver work. HSD is working closely with our federal partners to ensure a gap in coverage does not occur and PCS provided by LRIs can continue beyond November 11, 2023.*

### **Final Medicaid 1115 Waiver Renewal Supplemental Proposal and HSD Responses to Public Comments**

Following CMS' written notice acknowledging receipt of New Mexico's completed Medicaid 1115 Waiver Renewal Supplemental Proposal, HSD will post this Supplemental Proposal to HSD's dedicated webpage [at https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/](https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/).

**Appendix A: State Public Notice Materials**

## New Mexico Human Services Department

### Abbreviated Public Notice

#### **Draft Medicaid Turquoise Care 1115 Demonstration Waiver Renewal Supplemental Proposal**

This abbreviated public notice provides information regarding the proposed supplemental request to the Centers for Medicare & Medicaid Services (CMS) for the Turquoise Care 1115 waiver demonstration renewal, submitted by New Mexico's Human Services Department (HSD).

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by CMS of new opportunities to extend certain PHE-related flexibilities<sup>1</sup>, HSD is proposing to supplement and enhance the Medicaid Turquoise Care 1115 renewal application **to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit** and ensure no gap in 1115 waiver authority occurs.

The public comment period will be open from August 18, 2023 to September 17, 2023. All information and materials pertaining to the supplemental proposal, including the supplemental proposal draft, full public notice, public hearing dates and times, public comment submission instructions, and a copy of HSD's full Waiver Renewal Application (for information only) are available at: <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>

If you do not have internet access, a copy of the draft supplemental proposal may be requested by contacting HSD's Medical Assistance Division (MAD) at 505-827-1337. 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.

#### **Opportunities to Provide Input**

Public comment is open to anyone who would like to share feedback. We encourage health care and social service providers, Medicaid beneficiaries, Tribal Nations, Indian health care providers, managed care organizations, hospitals and health systems, medical associations, community-based organizations, the public, and others to provide input.

Share your feedback by:

- Participating in a public hearing. HSD will hold two public hearings to receive comments:

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<sup>1</sup> New CMS Guidance to Ensure Continuity of Key Flexibilities Implemented During the COVID-19 PHE <https://www.medicaid.gov/sites/default/files/2023-08/smd23004.pdf>



August 21, 2023

1:00 p.m. – 4:00 p.m. Mountain Standard Time (MST)

*In-Person Attendance* Human Services

Department 1 Plaza La Prensa

Santa Fe, New Mexico 87507

*Virtual Attendance*

Zoom Webinar Information:

Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/336384117>

You can also dial in using your phone. Access Code: 336-384-117

United States: [+1 \(571\) 317-3112](tel:+15713173112)

Join from a video-conferencing room or system. Meeting ID: 336-384-117

Dial in or type: 67.217.95.2 or [inroomlink.goto.com](http://inroomlink.goto.com)

Or dial directly: [336384117@67.217.95.2](tel:336384117@67.217.95.2) or 67.217.95.2##336384117

August 29, 2023

4:00 p.m. – 5:00 p.m. MST

*In-Person Attendance* Human Services

Department 1474 Rodeo Road

Santa Fe, New Mexico 87507

*Virtual Attendance*

Zoom Webinar Information:

Dial In: (669) 900-6833

Meeting ID: 967 7249 3243

Password: 943031 Link:

<https://mmc.zoom.us/j/96772493243?pwd=Sy91dm84WXBoU2FtUWxOaFhZeGkydz09>

- Email: [1115.PublicComments@state.nm.us](mailto:1115.PublicComments@state.nm.us)

- Mail:

Human Services Department

ATTN: HSD/MAD 1115 Public Comments

P.O. Box 2348

Santa Fe, New Mexico 87504-2348

HSD has notified tribal partners of this opportunity to provide feedback. Tribal Notification is located at <https://www.hsd.state.nm.us/providers/written-tribal-notification-letters/>. Tribal partners may request a formal tribal consultation during this 30-day public comment period. HSD respectfully asks that this request for consultation be made no later than August 31, 2023.

**The deadline to provide public comment is Sunday, September 17, 2023 at 5:00 pm MST.**

**New Mexico Human Services Department**  
**Draft Medicaid Turquoise Care 1115 Demonstration Waiver Renewal**  
**Supplemental Proposal**

**Full Public Notice**

**Purpose of this Public Notice:**

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by Centers for Medicare and Medicaid Services (CMS) of new opportunities to extend certain PHE-related flexibilities<sup>1</sup>, the New Mexico Human Services Department (HSD) is proposing to supplement and enhance the Medicaid Turquoise Care 1115 renewal application to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit and ensure no gap in 1115 waiver authority occurs.

**Background:**

On December 15, 2022, the HSD submitted a 5-year Medicaid 1115 demonstration waiver renewal application to CMS for an anticipated effective date of January 1, 2024 through December 31, 2028, seeking federal approval to renew and enhance the current Centennial Care 2.0 waiver (Project Number 11-W-00285/9). The renewal period is referred to by the demonstration's new name: Turquoise Care. New Mexico provided an opportunity for public input on the draft Turquoise Care 1115 application in September and October 2022 and responded to those comments in the final application submitted to CMS. New Mexico's December 2022 Turquoise Care Medicaid 1115 waiver renewal application for Turquoise Care can be found here (for information only): <https://www.hsd.state.nm.us/wp-content/uploads/New-Mexico-Turquoise-Care-1115-Waiver-Renewal-Application.pdf>. HSD is now supplementing the original Turquoise Care 1115 renewal request to add permanent authority for LRIs providing PCS under EPSDT. To review and provide public comment on HSD's supplemental proposal to the renewal application, please visit our dedicated webpage at <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>.

**A. Renewal and Supplemental Proposal Goals and Objectives**

The Turquoise Care waiver renewal request is constructed around three goals:

- **Goal 1:** Build a New Mexico health care delivery system where every Medicaid member has a dedicated health care team that is accessible for both preventive and emergency care that supports the whole person - their physical, behavioral, and social drivers of health.
- **Goal 2:** Strengthen the New Mexico health care delivery system through the expansion and implementation of innovative payment reforms and value-based initiatives.

---

<sup>1</sup> New CMS Guidance to Ensure Continuity of Key Flexibilities Implemented During the COVID-19 PHE <https://www.medicare.gov/sites/default/files/2023-08/smd23004.pdf>

- **Goal 3:** Identify groups that have been historically and intentionally disenfranchised and address health disparities through strategic program changes to enable an equitable chance at living healthy lives.

Turquoise Care will target initiatives focused on the following populations:

1. Prenatal, postpartum, and members parenting children, including children in state custody;
2. Seniors and members with long-term services and supports (LTSS) needs;
3. Members with behavioral health conditions;
4. Native American members; and
5. Justice-involved individuals.

This supplemental proposal to allow families to use LRIs as providers of EPSDT personal care services supports our focus on children and members with LTSS needs, and the goals under Turquoise Care to address health disparities through strategic program changes to enable an equitable chance at living healthy lives.

## **B. Eligibility, Enrollment, Benefits, Cost Sharing, and Delivery System for the Turquoise Care Supplemental Proposal for EPSDT LRIs**

### **1. Eligibility and Enrollment**

This supplemental proposal for PCS LRIs under EPSDT has no impact on the Medicaid State Plan eligibility groups, the Centennial Care eligibility groups, or the proposed eligibility under the Turquoise Care renewal. HSD estimates an average of 1,248 members will use LRI for EPSDT PCS each year.

### **2. Premiums and Cost Sharing**

Premiums and cost-sharing will continue to follow the approved Medicaid State Plan. There are no premiums or cost-sharing for EPSDT PCS.

### **3. Benefits**

#### **Enhanced Services and Supports for Members in Need of EPSDT Personal Care**

The COVID-19 pandemic created a notable shortage of health care workers and made it more difficult for individuals under 21 years of age find support in their homes and communities for activities of daily living (ADLs). As a result of the COVID-19 PHE, HSD received a number of CMS approved emergency waivers, permitting the state to temporarily allow payment for services rendered by family caregivers or LRIs under the Fee for Service and Managed Care delivery systems. Emergency Waivers included the following:

- Appendix K: Emergency Preparedness and Response and COVID-19 Addendum for Managed Care Delivery System
  - Approval Timeframe: January 27, 2020 – November 11, 2023
- CMS 1135 Waiver for Fee for Service Delivery System
  - Approval Timeframe: March 1, 2020 – May 11, 2023

- COVID-19 PHE Demonstration Application for Fee for Service and Managed Care Delivery Systems
  - Approval Timeframe: Pending CMS retroactive approval effective May 11, 2023 – November 11, 2023

HSD is proposing to permanently allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit.

HSD’s objectives in expanding the types of individuals eligible to render PCS under the EPSDT benefit include:

- Supporting access to PCS by allowing a wider pool of qualified providers;
- Enabling individuals to receive medically necessary services in the event the traditional provider workforce is diminished or there is inadequate capacity;
- Strengthening the provision of supports in the community using a cost-effective person-centered approach; and
- Ensuring that legally responsible individuals can be justly compensated for their caregiving work.

HSD is now proposing to permanently allow LRIs to render PCS under Fee for Service and Managed Care Delivery systems for the EPSDT Benefit. This authority is currently granted under the applicable temporary emergency authorities above. Continuing this authorization is important to continue the State’s support to unpaid caregivers and ensuring that individuals eligible for PCS can get their needs met in the community.

Members accessing services must coordinate with appropriate provider agencies to ensure the LRI’s provision of service is authorized by the Managed Care Organization or Third-Party Assessor (TPA). The LRI must meet all personal care service requirements, personal care service training, and extraordinary care requirements.

#### 4. Delivery System

LRIs will be permitted to serve as providers of EPSDT personal care services in both Fee- for-Service and Managed Care Delivery Systems.

### C. Supplemental Request for Waiver and Expenditure Authorities

**Table 1: Requested Waiver Authorities**

Waiver Authorities	Use for Waiver Authority	Currently Approved Authority?
1. Self-Direction of Care  Section 1902(a)(32)	To permit persons receiving certain services to self-direct their care for such services.  To permit state-authorized relatives, guardians, and or legally responsible individuals to provide EPSDT personal care services.	Current/New

**Table 2: Requested Expenditure Authorities**

Use for Expenditure Authority	Currently Approved Expenditure Authority?
1. Expenditures to provide self-directed personal care for children under the state plan EPSDT benefit.	New

**D. Impact on Enrollment and Expenditures**

**Table 3: Projected Expenditures for Turquoise Care Renewal Period –Supplemental Proposal**

	DY11 CY 2024	DY12 CY 2025	DY13 CY 2026	DY14 CY 2027	DY15 CY 2028	Five Year Total
<b>Projected Enrollment for Supplemental Turquoise Care Proposal: LRIs for EPSDT Personal Care</b>	861	1,057	1,235	1,434	1,654	6,241
<b>Projected Expenditures for Supplemental Turquoise Care Proposal: LRIs for EPSDT Personal Care</b>	\$15,172,128	\$19,557,205	\$23,993,135	\$29,252,223	\$35,427,092	\$123,401,783
<b>Original Turquoise Care Proposals</b>	\$91,147,000	\$110,979,000	\$132,961,000	\$136,625,000	\$140,487,000	\$612,199,000
<b>Total</b>	<b>\$106,319,128</b>	<b>\$130,536,205</b>	<b>\$156,954,135</b>	<b>\$165,877,223</b>	<b>\$175,914,092</b>	<b>\$735,600,783</b>

**E. Hypotheses and Evaluation Parameters**

**Table 4: Demonstration Goals and Evaluation Hypotheses**

Goal	Hypothesis	Methodology	Data Sources	New/Continuing?
<b>Goal 1:</b> Build a New Mexico health care delivery system where every Medicaid member has a dedicated health care team that is accessible for both preventive and emergency care that supports the whole person - their physical, behavioral, and social drivers of health.				
1.7	The ability for legally responsible individuals to provide personal care services to individuals receiving EPSDT PCS services will ensure member access to EPSDT PCS services.	Members receiving personal care EPSDT services from legally responsible individuals will have the same or greater utilization of necessary EPSDT PCS services annually throughout the demonstration in comparison to service utilization prior to implementation of this benefit.	Administrative claims data	New

## F. State Public Notice and Comment Period

The draft Medicaid 1115 demonstration waiver renewal **supplemental proposal** application is open for public comment from August 18, 2023 to September 17, 2023. Public comment on the supplemental proposal is open to anyone who would like to share feedback. We encourage health care and social service providers, Medicaid beneficiaries, Tribal leadership, Indian Health Service, Tribal Nations, Tribal health providers, Urban Indian healthcare providers, Managed Care Organizations, hospitals and health systems, medical associations, community-based organizations, the public, and others to provide input.

To review and provide public comment on New Mexico's draft supplemental proposal, please visit our dedicated webpage at <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>. All information and materials pertaining to the Turquoise Care draft supplemental proposal, including public hearing dates and times, public comment submission instructions, and a copy of HSD's full 1115 Waiver Renewal application (for information only), are available at this dedicated webpage.

If you do not have internet access, a copy of the draft supplemental proposal may be requested by contacting HSD's Medical Assistance Division (MAD) at 505-827-1337. If you are a person with a disability and 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.

Share your feedback by:

- Participating in a public hearing. HSD will hold two public hearings to receive comments:

August 21, 2023

1:00 p.m. – 4:00 p.m. Mountain Standard Time (MST)

*In-Person Attendance* Human

Services Department 1 Plaza

La Prensa

Santa Fe, New Mexico 87507

*Virtual Attendance*

Zoom Webinar Information:

Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/336384117>

You can also dial in using your phone. Access

Code: 336-384-117

United States: [+1 \(571\) 317-3112](tel:+15713173112)

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Or dial directly: [336384117@67.217.95.2](tel:336384117@67.217.95.2) or 67.217.95.2##336384117

August 29, 2023

4:00 p.m. – 5:00 p.m. MST

*In-Person Attendance*

Human Services

Department 1474

Rodeo Road

Santa Fe, New Mexico 87507

*Virtual Attendance*

Zoom Webinar Information:

Dial In: (669) 900-6833

Meeting ID: 967 7249 3243

Password: 943031

Link: <https://mmc.zoom.us/j/96772493243?pwd=Sy91dm84WXBoU2FtUWxOaFhZeGkydz09>

- Email: [1115.PublicComments@state.nm.us](mailto:1115.PublicComments@state.nm.us)
- Mail:  
Human Services Department  
ATTN: HSD/MAD 1115 Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

HSD has notified tribal partners of this opportunity to provide feedback. Tribal Notification is located at <https://www.hsd.state.nm.us/providers/written-tribal-notification-letters/>. Tribal partners may request a formal tribal consultation during this 30-day public comment period. HSD respectfully asks that this request for consultation be made no later than August 31, 2023.

**The deadline to provide public comment is Sunday, September 17, 2023 at 5:00 pm MST.**



**Michelle Lujan Grisham, Governor**  
Kari Armijo, Acting Secretary  
Lorelei Kellogg, Acting Medicaid Director

August 18, 2023

**RE: Tribal Notification to Request Advice and Comments Letter 23-14 Draft Medicaid Turquoise Care 1115 Demonstration Waiver Renewal Supplemental Proposal**

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 Human Services Department's (HSD's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m., Mountain Standard Time (MST) on September 17, 2023** regarding the proposed supplemental request to the Centers for Medicare & Medicaid Services (CMS) for the New Mexico Turquoise Care 1115 Waiver Renewal application, submitted by New Mexico's Human Services Department (HSD).

This supplemental proposal will enhance the Medicaid Turquoise Care 1115 renewal application **to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit** and ensure no gap in 1115 waiver authority occurs.

**A. Eligibility, Enrollment, Benefits, Delivery System, and Cost Sharing for the Turquoise Care Supplemental Proposal for EPSDT LRIs**

**1. Eligibility and Enrollment**

This supplemental proposal for PCS LRIs under EPSDT has no impact on the Medicaid State Plan eligibility groups, the Centennial Care eligibility groups, or the proposed eligibility under the Turquoise Care renewal. HSD estimates an average of 1,248 members will use LRI for EPSDT PCS each year.

**2. Premiums and Cost Sharing**

Premiums and cost-sharing will continue to follow the approved Medicaid State Plan. There are no premiums or cost-sharing for EPSDT PCS.



## **B. Benefits**

### **Enhanced Supports for Members in Need of EPSDT Personal Care**

The COVID-19 pandemic created a notable shortage of health care workers and made it more difficult for individuals under 21 years of age find support in their homes and communities for activities of daily living (ADLs). As a result of the COVID-19 PHE, HSD received a number of CMS approved emergency waivers, permitting the state to temporarily allow payment for services rendered by family caregivers or LRIs under the Fee for Service and Managed Care delivery systems. Emergency Waivers included the following:

- Appendix K: Emergency Preparedness and Response and COVID-19 Addendum for Managed Care Delivery System
  - Approval Timeframe: January 27, 2020 – November 11, 2023
- CMS 1135 Waiver for Fee for Service Delivery System
  - Approval Timeframe: March 1, 2020 – May 11, 2023
- COVID-19 PHE Demonstration Application for Fee for Service and Managed Care Delivery Systems
  - Approval Timeframe: Pending CMS retroactive approval effective May 11, 2023 – November 11, 2023

HSD is proposing to permanently allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit.

HSD's objectives in expanding the types of individuals eligible to render PCS under the EPSDT benefit include:

- Supporting access to PCS by allowing a wider pool of qualified providers;
- Enabling individuals to receive medically necessary services in the event the traditional provider workforce is diminished or there is inadequate capacity;
- Strengthening the provision of supports in the community using a cost-effective person-centered approach; and
- Ensuring that legally responsible individuals can be justly compensated for their caregiving work.

HSD is proposing to permanently allow LRIs to render PCS under Fee for Service and Managed Care Delivery systems for the EPSDT Benefit. This authority is currently granted under the applicable temporary emergency authorities above. Continuing this authorization is important to continue the State's support to unpaid caregivers and ensuring that individuals eligible for PCS can get their needs met in the community. Members accessing services must coordinate with appropriate provider agencies to ensure the LRI's provision of service is authorized by the Managed Care Organization or Third-Party Assessor (TPA). The LRI must meet all personal care service requirements, personal care service training, and extraordinary care requirements.

## C. Delivery System

LRIIs will be permitted to serve as providers of EPSDT personal care services in both fee-for- service and managed care delivery systems.

***Tribal Impact:*** *HSD anticipates continued access to personal care services provided by LRIs for Tribal members, without any disruptions in service provision or payment.*

### Tribal Advice and Comments

The draft Medicaid 1115 demonstration waiver renewal **supplemental proposal** application is open for public comment from August 18, 2023 to September 17, 2023. All information and materials pertaining to the renewal, including the draft supplemental proposal, public hearing dates and times, public comment submission instructions, and a copy of HSD's full 1115 Waiver Renewal application (for information only) are available at: <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>

If you do not have internet access, a copy of the draft supplemental proposal may be requested by contacting HSD's Medical Assistance Division (MAD) at 505-827-1337. If you are a person with a disability and 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.

### Tribal Consultation

Tribal partners may request a formal tribal consultation during this 30-day public comment period. HSD respectfully asks that this request for consultation be made no later than August 31, 2023. Please contact Theresa Belanger [theresa.belanger@hsd.nm.gov](mailto:theresa.belanger@hsd.nm.gov) and/or Shelly Begay [Shelly.Begay@hsd.nm.gov](mailto:Shelly.Begay@hsd.nm.gov) to formally request a Tribal Consultation on this supplemental request.

### Public Hearings

HSD will hold two public hearings for the general public, in order to present information on the supplemental request and receive comments. These hearings will take place in person and by teleconference.

August 21, 2023

1:00 p.m. – 4:00 p.m. Mountain Standard Time (MST)

*In-Person Attendance* Human  
Services Department 1 Plaza  
La Prensa

Santa Fe, New Mexico 87507

*Virtual Attendance*

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August 29, 2023

4:00 p.m. – 5:00 p.m. MST

*In-Person Attendance*

Human Services

Department 1474 Rodeo

Road

Santa Fe, New Mexico 87507

*Virtual Attendance*

Zoom Webinar Information:

Dial In: (669) 900-6833

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Link: <https://mmc.zoom.us/j/96772493243?pwd=Sy91dm84WXBoU2FtUWxOaFhZeGkydz09>

Written advice and comments may also be sent by email or mail as follows:

- Email: [1115.PublicComments@state.nm.us](mailto:1115.PublicComments@state.nm.us)
- Mail:  
Human Services Department  
ATTN: HSD/MAD 1115 Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

**The deadline to provide public comment is Sunday, September 17, 2023 at 5:00 pm MST.**

Sincerely,



Lorelei Kellogg, Acting Medicaid Director



**Michelle Lujan Grisham, Governor**

Kari Armijo, Acting  
Secretary Lorelei Kellogg, Acting  
Medicaid Director

August 18, 2023

Dear Interested Parties:

This abbreviated public notice provides information regarding the proposed supplemental request to the Centers for Medicare & Medicaid Services (CMS) for the Turquoise Care 1115 waiver demonstration renewal, submitted by New Mexico's Human Services Department (HSD).

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by CMS of new opportunities to extend certain PHE-related flexibilities<sup>1</sup>, HSD is proposing to supplement and enhance the Medicaid Turquoise Care 1115 renewal application **to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit** and ensure no gap in 1115 waiver authority occurs.

The public comment period will be open from August 18, 2023 to September 17, 2023. All information and materials pertaining to the supplemental proposal, including the supplemental proposal draft, full public notice, public hearing dates and times, public comment submission instructions, and a copy of HSD's full Waiver Renewal application (for information only) are available at: <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>

If you do not have internet access, a copy of the draft supplemental proposal may be requested by contacting HSD's Medical Assistance Division (MAD) at 505-827-1337. 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.

### **Opportunities to Provide Input**

Public comment is open to anyone who would like to share feedback. We encourage health care and social service providers, Medicaid beneficiaries, Tribal Nations, Indian health care providers, managed care organizations, hospitals and health systems, medical associations, community-based organizations, the public, and others to provide input.

Share your feedback by:

- Participating in a public hearing. HSD will hold two public hearings to receive comments:

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<sup>1</sup> New CMS Guidance to Ensure Continuity of Key Flexibilities Implemented During the COVID-19 PHE <https://www.medicare.gov/sites/default/files/2023-08/smd23004.pdf>

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Santa Fe, New Mexico 87507

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- Email: [1115.PublicComments@state.nm.us](mailto:1115.PublicComments@state.nm.us)

- Mail:

Human Services Department

ATTN: HSD/MAD 1115 Public Comments

P.O. Box 2348

Santa Fe, New Mexico 87504-2348

HSD has notified tribal partners of this opportunity to provide feedback. Tribal Notification is located at <https://www.hsd.state.nm.us/providers/written-tribal-notification-letters/>. Tribal partners may request a formal tribal consultation during this 30-day public comment period. HSD respectfully asks that this request for consultation be made no later than August 31, 2023.

**The deadline to provide public comment is Sunday, September 17, 2023 at 5:00 pm MST.**

NEW MEXICO HUMAN SERVICES DEPARTMENT  
Abbreviated Public Notice

Draft Medicaid Turquoise Care 1115 Demonstration Waiver Renewal Supplemental Proposal

This abbreviated public notice provides information regarding the proposed supplemental request to the Centers for Medicare & Medicaid Services (CMS) for the Turquoise Care 1115 waiver demonstration renewal, submitted by New Mexico's Human Services Department (HSD).

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by CMS of new opportunities to extend certain PHE-related flexibilities, HSD is proposing to supplement and enhance the Medicaid Turquoise Care 1115 renewal application to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRI), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit and ensure no gap in 1115 waiver authority occurs.

The public comment period will be open from August 18, 2023 to September 17, 2023. All information and materials pertaining to the supplemental proposal, including the supplemental proposal draft, full public notice, public hearing dates and times, public comment submission instructions, and a copy of HSD's full Waiver Renewal Application (for information only) are available at: <http://www.hsd.state.nm.us/medicaid-1115-waiver-renewal>

If you do not have internet access, a copy of the draft supplemental proposal may be requested by contacting HSD's Medical Assistance Division (MAD) at 505-827-1337. 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. Opportunities to Provide Input: Public comment is open to anyone who would like to share feedback. We encourage health care and social service providers, Medicaid beneficiaries, Tribal Nations, Indian health care providers, managed care organizations, hospitals and health systems, medical associations, community-based organizations, the public, and others to provide input.

# AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Wayne Bamard, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

08/18/2023

Sworn and \_\_\_\_\_ public, in and for the County of Bernalillo and State of New Mexico this

18 day of August of 2023

PRICE \$193.25

Statement to come at the end of month.

ACCOUNT NUMBER 1009565

CHRISTINA MARIE WHITE  
Notary Public - State of New Mexico  
Commission # 1122050  
My Comm. Expires Jul 26, 2026

Share your feedback by:

\*Participating in a public hearing: HSD will hold two public hearings to receive comments:

August 21, 2023  
1:00 p.m. - 4:00 p.m.  
Mountain Standard Time (MST)  
In-Person Attendance  
Human Services Department  
1 Plaza La Prensa  
Santa Fe, New Mexico 87507  
Virtual Attendance

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Or dial directly: 336384117@67.217.95.2 or 67.217.95.2#336384117

August 28, 2023  
4:00 p.m. - 8:00 p.m. MST  
In-Person Attendance  
Human Services Department  
1474 Rodoc Road  
Santa Fe, New Mexico 87507  
Virtual Attendance  
Zoom Webinar Information:  
Dial In: (659) 904-8383  
Meeting ID: 987 7249 3243  
Password: 943031  
Link: <https://mtnc.zoom.us/j/96772493243?pwd=Sy91dm84WXB0U2FRUWxOaFhZeGkydz09>

\*Email: 1115.PublicComments@state.nm.us

\*Mail:  
Human Services Department  
ATTN: HSD/MAD  
1115 Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico  
87504-2348

HSD has notified tribal partners of this opportunity to provide feedback. Tribal Notification is located at <https://www.state.nm.us/providers/affairs-tribal-notification-letters/>. Tribal partners may request a formal tribal consultation during this 30-day public comment period. HSD respectfully asks that this request for consultation be made no later than August 31, 2023.

The deadline to provide public comment is Sunday, September 17, 2023 at 5:00 pm MST.  
Journal: August 18, 2023

# Las Cruces Sun News.

PART OF THE USA TODAY NETWORK

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## Affidavit of Publication

Ad # 0005801271

This is not an invoice

HUMAN SVCS DEPT - ME D ASSIST DIV  
PO BOX 2348

SANTA FE, NM 87504-2348

I, a legal clerk of the **Las Cruces Sun News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof in editions dated as follows:

08/18/2023

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

[REDACTED]  
\_\_\_\_\_  
Legal Clerk

Subscribed and sworn before me this August 18,  
2023.

[REDACTED]  
\_\_\_\_\_  
State of WI, County of Brown  
NOTARY PUBLIC

[REDACTED]  
\_\_\_\_\_  
My commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

Ad # 0005801271

PO #:

# of Affidavits 1

This is not an invoice

New Mexico Human  
Services Department  
Abbreviated Public Notice

Draft Medicaid Turquoise  
Care 1115 Demonstration  
Waiver Renewal Supplemental  
Proposal

This abbreviated public notice provides information regarding the proposed supplemental request to the Centers for Medicare & Medicaid Services (CMS) for the Turquoise Care 1115 waiver demonstration renewal, submitted by New Mexico's Human Services Department (HSD).

In response to the end of the COVID-19 Public Health Emergency (PHE) and the announcement by CMS of new opportunities to extend certain PHE-related flexibilities, HSD is proposing to supplement and enhance the Medicaid Turquoise Care 1115 renewal application to make permanent the 1115 demonstration authority to allow State-authorized legally responsible individuals (LRIs), such as relatives and guardians, to render Personal Care Services (PCS) under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit and ensure no gap in 1115 waiver authority occurs.

The public comment period will be open from August 18, 2023 to September 17, 2023. All information and materials pertaining to the supplemental proposal, including the supplemental proposal draft, full public notice, public hearing dates and times, public comment submission instructions, and a copy of HSD's full Waiver Renewal Application (for information only) are available at: <https://www.hsd.state.nm.us/medicaid-1115-waiver-renewal/>

If you do not have internet access, a copy of the draft supplemental proposal may be requested by contacting HSD's Medical Assistance Division (MAD) at 505-827-1337. 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.

**Opportunities to Provide Input**  
Public comment is open to anyone who would like to share feedback. We encourage health care and social service providers, Medicaid beneficiaries, Tribal Nations, Indian health care providers, managed care organizations, hospitals and health systems, medical associations, community-based organizations, the public, and others to provide input.

Share your feedback by:  
• Participating in a public



hearings, how you can  
public hearings to receive  
comments:

August 21, 2023  
1:00 p.m. - 4:00 p.m.  
Mountain Standard Time  
(MST)

In-Person Attendance  
Human Services Department  
1 Plaza La Prensa  
Santa Fe, New Mexico 87507  
Virtual Attendance  
Zoom Webinar Information:  
Please join my meeting from  
your computer, tablet or  
smartphone.  
<https://meet.goto.com/336384117>

You can also dial in using  
your phone.

Access Code: 336-384-117  
United States: +1 (571) 317-3112

Join from a video-conferencing  
room or system.  
Meeting ID: 336-384-117  
Dial in or type: 67.217.95.2  
or inroomlink.goto.com  
Or dial directly: 336384117@  
67.217.95.2 or  
67.217.95.2##336384117

August 29, 2023  
4:00 p.m. - 5:00 p.m. MST

In-Person Attendance  
Human Services Department  
1474 Rodeo Road  
Santa Fe, New Mexico 87507  
Virtual Attendance  
Zoom Webinar Information:  
Dial In: (669) 900-6833  
Meeting ID: 967 7249 3243  
Password: 943031  
Link: <https://mmc.zoom.us/j/96772493243?pwd=Sy91dm84VWx6OjU2FtUWx0aFhZeGk5dz09>

• Email: [1115.PublicComments@state.nm.us](mailto:1115.PublicComments@state.nm.us)

• Mail:  
Human Services Department  
ATTN: HSD/MAD 1115 Public  
Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

HSD has notified tribal partners of this opportunity to provide feedback. Tribal Notification is located at <https://www.hsd.state.nm.us/providers/written-tribal-notification-letters/>. Tribal partners may request a formal tribal consultation during this 30-day public comment period. HSD respectfully asks that this request for consultation be made no later than August 31, 2023.

The deadline to provide public comment is Sunday, September 17, 2023 at 5:00 pm MST.  
#5801271, Sun New, Aug 18, 2023