

## 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) rule 8.320.6 NMAC, *School-Based Services for MAP Eligible Recipients Under Twenty-One Years of Age*.

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: September 10, 2019

Hearing Date: October 10, 2019

Adoption Date: Proposed as January 1, 2020

Technical Citations: 34 CFR 300.142

**The Department is proposing to amend the rule as follows:**

### **Section 8 Mission Statement**

This section is being removed to be consistent with other program rules. This change has no effect on any administrative or programmatic functions.

### **Section 11 Eligible Providers**

#### **Subsection B.11**

HSD is proposing to add to the supervision requirements for licensed master level social workers and licensed baccalaureate social workers to include other supervisors approved by the NM Board of Social Work Examiners.

This addition will bring this rule into alignment with the current practice of NM Board of Social Work Examiners. This will allow mid-level practitioners in rural or underserved areas to obtain necessary supervision that is in accordance with the rule.

#### **Subsection B.12**

HSD is proposing to add licensed associate marriage and family therapist to the list of allowable providers.

This addition will allow school-based providers in rural and underserved areas access to an increased pool of eligible practitioners which can bill for services. This provider type is already allowed outside the school setting.

### **Section 13 Covered Services**

#### **Subsection H**

HSD is proposing to add Behavioral Health Services as a covered service in the school-based setting.

This addition corrects a previous omission of these services from the rule effective 1/1/2014. Behavioral Health services should not have been omitted and have been covered since this time.

The register and proposed rule are available on the HSD website at:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

The Department proposes to implement this rule effective January 1, 2020. A public hearing to receive testimony on this proposed rule will be held in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on Thursday, October 10, 2019 at 9:00 a.m., Mountain Standard Time (MST).

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](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MST on Thursday, October 10, 2019. 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 <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> 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.