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**State/Territory Name: New Mexico**

**State Plan Amendment (SPA) #: 13-07**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Dallas Regional Office  
1301 Young Street, Suite 833  
Dallas, Texas 75202



**DIVISION OF MEDICAID & CHILDREN'S HEALTH - REGION VI**

September 26, 2013

Our Reference: SPA-NM-13-07

Ms. Julie Weinberg, Division Director  
New Mexico Human Services Department  
Medical Assistance Division  
Post Office Box 2348  
Santa Fe, New Mexico 87504-2348

Dear Ms. Weinberg:

We have reviewed the State's proposed amendment to the New Mexico State Plan submitted under Transmittal Number 13-07, dated June 10, 2013. This state plan amendment documents compliance with provider screening and enrollment provisions under 42 CFR 455, subpart E.

Based on the information submitted, we have approved the amendment for incorporation into the official New Mexico State Plan with an effective date change of June 1, 2013. A copy of the CMS-179 and approved plan pages are enclosed with this letter.

If you have questions, please contact Suzette Seng at (214) 767-6478.

Sincerely,

A black rectangular redaction box covering the signature of Bill Brooks.

Bill Brooks  
Associate Regional Administrator

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</b>		1. TRANSMITTAL NUMBER: 13-07	2. STATE New Mexico
<b>FOR: HEALTH CARE FINANCING ADMINISTRATION</b>		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE June 1, 2013	
5. TYPE OF PLAN MATERIAL ( <i>Check One</i> ):  <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT ( <i>Separate Transmittal for each amendment</i> )			
6. FEDERAL STATUTE/REGULATION CITATION: 42 CFR 455 Patient Protection and Affordable Care Act – Sections 6401, 6402, 6501, and 10603 Health Care and Education Reconciliation Act – Section 1304		7. FEDERAL BUDGET IMPACT: SFY 2012: No Impact SFY 2013: No Impact	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.46 Page 1 (new) Attachment 4.46 Page 2 (new)		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT ( <i>If Applicable</i> ):	
10. SUBJECT OF AMENDMENT: Medicaid/CHIP provider screening and enrollment.			
11. GOVERNOR'S REVIEW ( <i>Check One</i> ): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL  X OTHER, AS SPECIFIED: Authority Delegated to the Medicaid Director.			
12. [REDACTED] AL:	16. RETURN TO: Julie B. Weinberg, Director Medical Assistance Division P.O. Box 2348 Santa Fe, NM 87504 – 2348		
13. TYPED NAME: Julie B. Weinberg			
14. TITLE: Director, Medical Assistance Division			
15. DATE SUBMITTED: March 16, 2012 Resubmitted: June 10, 2013			
<b>FOR REGIONAL OFFICE USE ONLY</b>			
17. DATE RECEIVED: 3 July, 2013	18. DATE APPROVED: 26 September, 2013		
<b>PLAN APPROVED – ONE COPY ATTACHED</b>			
19. EFFECTIVE DATE OF APPROVED MATERIAL: 1 June, 2013	20. [REDACTED]		
21. TYPED NAME: Bill Brooks	22. TITLE: Associate Regional Administrator Div of Medicaid & Children's Health		
23. REMARKS:			

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State/Territory: NEW MEXICO

Attachment 4.46  
Page 1 of 2

Provider Screening and Enrollment

Citation

1902(a)(77)  
1902(a)(39)  
1902(kk);  
P.L. 111-148 and  
P.L. 111-152

4.46 Provider Screening and Enrollment

The State Medicaid agency gives the following assurances:

State: New Mexico  
Date Received: 3 July, 2013  
Date Approved: 26 September, 2013  
Date Effective: 1 June, 2013  
Transmittal Number: NM 13-07

42 CFR 455  
Subpart E

PROVIDER SCREENING

X Assures that the State Medicaid agency complies with the process for screening providers under section 1902(a)(39), 1902(a)(77) and 1902(kk) of the Act.

42 CFR 455.410

ENROLLMENT AND SCREENING OF PROVIDERS

X Assures enrolled providers will be screened in accordance with 42 CFR 455.400 et seq.

X Assures that the State Medicaid agency requires all ordering or referring physicians or other professionals to be enrolled under the State plan or under a waiver of the Plan as a participating provider.

42 CFR 455.412

VERIFICATION OF PROVIDER LICENSES

X Assures that the State Medicaid agency has a method for verifying providers licensed by a State and that such providers licenses have not expired or have no current limitations.

42 CFR 455.414

REVALIDATION OF ENROLLMENT

X Assures that providers will be revalidated regardless of provider type at least every 5 years.

42 CFR 455.416

TERMINATION OR DENIAL OF ENROLLMENT

X Assures that the State Medicaid agency will comply with section 1902(a)(39) of the Act and with the requirements outlined in 42 CFR 455.416 for all terminations or denials of provider enrollment.

42 CFR 455.420

REACTIVATION OF PROVIDER ENROLLMENT

X Assures that any reactivation of a provider will include re-screening and payment of application fees as required by 42 CFR 455.460.

42 CFR 455.422

APPEAL RIGHTS

X Assures that all terminated providers and providers denied enrollment as a result of the requirements of 42 CFR 455.416 will have appeal rights available under procedures established by State law or regulation.

TN No. NM 13-07

Approval Date 26 September, 2013

Supersedes TN No. None: New Page

Effective Date 1 June, 2013

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State/Territory: NEW MEXICO

Attachment 4.46  
Page 2 of 2

Provider Screening and Enrollment

- 42 CFR 455.432      SITE VISITS  
  X   Assures that pre-enrollment and post-enrollment site visits of providers who are in “moderate” or “high” risk categories will occur, as required by § 455.432 .
- 42 CFR 455.434      CRIMINAL BACKGROUND CHECKS  
  X   Assures that providers, as a condition of enrollment, will be required to consent to criminal background checks including fingerprints, if required to do so under State law, or by the level of screening based on risk of fraud, waste or abuse for that category of provider.
- 42 CFR 455.436      FEDERAL DATABASE CHECKS  
  X   Assures that the State Medicaid agency will perform Federal database checks on all providers or any person with an ownership or controlling interest or who is an agent or managing employee of the provider.
- 42 CFR 455.440      NATIONAL PROVIDER IDENTIFIER  
  X   Assures that the State Medicaid agency requires the National Provider Identifier of any ordering or referring physician or other professional to be specified on any claim for payment that is based on an order or referral of the physician or other professional.
- 42 CFR 455.450      SCREENING LEVELS FOR MEDICAID PROVIDERS  
  X   Assures that the State Medicaid agency complies with 1902(a)(77) and 1902(kk) of the Act and with the requirements outlined in 42 CFR 455.450 for screening levels based upon the categorical risk level determined for a provider.
- 42 CFR 455.460      APPLICATION FEE  
       Assures that the State Medicaid agency complies with the requirements for collection of the application fee set forth in section 1866(j)(2)(C) of the Act and 42 CFR 455.460.
- 42 CFR 455.470      TEMPORARY MORATORIUM ON ENROLLMENT OF NEW PROVIDERS OR SUPPLIERS  
  X   Assures that the State Medicaid agency complies with any temporary moratorium on the enrollment of new providers or provider types imposed by the Secretary under section 1866(j)(7) and 1902(kk)(4) of the Act, subject to any determination by the State and written notice to the Secretary that such a temporary moratorium would not adversely impact beneficiaries’ access to medical assistance.

State: New Mexico  
Date Received: 3 July, 2013  
Date Approved: 26 September, 2013  
Date Effective: 1 June, 2013  
Transmittal Number: NM 13-07

TN No.   NM 13-07  

Approval Date   26 September, 2013  

Supersedes TN No.   None : New Page  

Effective Date   1 June, 2013