

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



Division of Medicaid & Children's Health, Region VI

August 11, 2010

Our Reference: SPA-NM-10-06

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

Dear Ms. Ingram:

We have reviewed the proposed amendment to your Medicaid State Plan submitted under Transmittal Number 10-06. This state plan amendment amends section 4.17 to exempt Medicare cost-sharing benefits paid under the Medicare Savings Program from estate recovery under 1917(b)(1) of the Social Security Act. This state plan amendment also adds estate recovery documentation (4.17 and Attachment 4.17-A) to the Medicaid State Plan.

In the future, when the State submits a State Plan Amendment (SPA) that may impact Indians or Indian health providers, CMS will look for evidence of the State's tribal consultation process for that SPA. Pursuant to section 1902 (a) (73) of the Act added by section 5006 (e) of the Recovery and Reinvestment Act of 2009, the State must submit evidence to CMS regarding the solicitation of advice prior to submission of the SPA. This consultation must include all federally recognized tribes, Indian Health Service and Urban Indian Organizations within the state.

Transmittal Number 10-06 is approved with an effective date of April 1, 2010 as requested. A copy of the HCFA-179, Transmittal No. 10-06 dated May 17, 2010 is enclosed along with the approved plan pages.

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

Sincerely,

Bill Brooks
Associate Regional Administrator

Enclosures