Mondragon, Tabitha, HCA

From: Kathleen Dostalik <Kathleen.Dostalik@havenllc.com>
Sent: Friday, January 30, 2026 10:05 AM
To: HCA-madrules
Cc: Jeffery Johnson; Tom Sharp; Leslie Benavidez-Kau
Subject: [EXTERNAL] Public Comment - proposed amendment to 8.324.7 NMAC, Adjunct Services, Transportation Services and Lodging

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My name is Kathleen Dostalik, and I serve as CEO of Haven Behavioral Health in Albuquerque. Haven is an acute psychiatric hospital responsible for stabilizing individuals experiencing psychiatric crises and safely returning them to their home communities for continued outpatient care and support.

We have encountered ongoing challenges related to medical transportation for patients returning to their home communities when those communities are located more than 120 miles from our hospital.

Currently, the MCOs and ModivCare are interpreting the 120-mile rule to include hospitals, resulting in denials for transportation back to patients' home communities. However, as written, the rule applies to transportation outside a member's home community **to receive medical or behavioral health care**—which would include transportation to our facility, not transportation back to the member's community following stabilization.

Under the current interpretation, 8.3247.15 is being applied to hospitals when returning patients home, creating an unintended financial and operational burden. Hospitals should not be responsible for the cost of returning patients to their communities once acute care is complete. Returning individuals to their home communities is essential to ensure continuity of care and appropriate outpatient services, and the cost of that transportation should not fall on hospitals located beyond the 120-mile radius.

I respectfully request that hospitals be explicitly exempted from this rule and that this exemption be clearly stated to prevent further misinterpretation by MCOs and ModivCare.

Thank you for your time and consideration. Please feel free to contact me should you need any additional information or clarification.

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