

### NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of amendments to rule, 7.1.31 NMAC, "Statewide Health Care Claims Database." The public hearing will be held on March 3, 2023 at 9:30 am via Cisco Webex online, via telephone, and, comments will be received via email through the day of the hearing until 5:00 pm. The hearing is being held via internet, email and telephonic means due to the concerns surrounding Coronavirus and in accord with Governor Michelle Lujan Grisham's Executive Order 2020-004, Declaration of a Public Health Emergency, Executive Order 2023-001, and any subsequent executive orders. This hearing will be conducted to receive public comment regarding the adoption of the proposed amendments to rule, 7.1.31 NMAC, concerning the creation and maintenance of a repository of healthcare claims data to be used to increase the quality and effectiveness of health care delivered in New Mexico.

The existing rule assists in making health care costs more transparent to the public; fulfilling the DOH's legislative obligations in 24-14A-3, NMSA 1978, as part of the overall "Health Information System", "created for the purpose of assisting the department, legislature and other agencies and organizations in the state's efforts in collecting, analyzing and disseminating health information to assist: in the performance of health planning and policymaking functions, including identifying personnel, facility, education and other resource needs and allocating financial, personnel and other resources where appropriate; consumers in making informed decisions regarding health care; and in administering, monitoring and evaluating a statewide health plan. The four proposed amendments to the rule will a) change the initial data submission date from 1/1/2022 to 1/1/2023 (Subsection 7 of Subsection B of 7.1.31.9 NMAC); b) revise the historical data start date from 1/1/2019 to 1/1/2020 (Subsection 5 of Subsection B of 7.1.31.9 NMAC); c) change the version of the *APCD-Common Data Layout (APCD-CDL<sup>TM</sup>, with errata, Copyright 2021 by APCD Council, National Association of Health Data Organizations, the University of New Hampshire)* used for defining data elements from Version 1.1 to Version 2.1 (Subsection 1 of Subsection A of 7.1.31.9 NMAC); d) add a new exception to reporting for health insurance carriers that only insure less than 500 individuals during the relevant time period (Subsection 6 of Subsection A of 7.1.31.9 NMAC); and e) replace "Centennial Care" with "Medicaid" (Subsection 5 of Subsection A of 7.1.31.9 NMAC).

The legal authority authorizing the proposed amendment of the rule by the Department is at Subsection E of Section 9-7-6, NMSA 1978 and the Health Information System Act, 24-14A-1 et seq. NMSA 1978. A free copy of the full text of the proposed amended rule can be obtained from the Department's website at <https://nmhealth.org/publication/regulation/>.

The New Mexico Department of Health will also hold a public hearing on the proposed adoption of Part 19 of Title 7, Chapter 1 named Violence Intervention Program Fund, previously adopted via emergency rulemaking in 2022. The public hearing will be held on March 3, 2023 at 10:30 am via Cisco Webex online, via telephone, and, comments will be received via email through the day of the hearing until 5:00 pm. This hearing will be conducted to receive public comment regarding the adoption of the proposed rule, 7.1.19 NMAC This rule was previously adopted to administer the provisions of the Violence Intervention Program Act and to establish standards and procedures designed for the purpose of making funds available as awarded by violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults, and develop standards pertaining to the collection and sharing of data by grantees.

On March 9, 2022, Governor Michelle Lujan Grisham signed into law House Bill 68, passed by the New Mexico Legislature on February 17, 2022. HB 68 enacted the Violence Intervention Program Act, creating the Violence Intervention Program Fund and assigning the Department as the agency to administer the fund, establish the standards and procedures for taking applications and awarding grants to the agencies described above for the purposes stated. The Department established the same in an emergency rule, which will expire in February 2023 pursuant to Subsection E of Section 14-4-5.6, NMSA 1978. Therefore the proposed rule is to be adopted under the normal rulemaking process.

The legal authority authorizing the adoption of the proposed rule by the Department is at Subsection E of Section 9-7-6, NMSA 1978 and the Violence Intervention Program Fund Act, 31-30-8, NMSA 1978. A free copy of the full text of the proposed rule can be obtained from the Department's website at <https://nmhealth.org/publication/regulation/>.

Any interested member of the public may attend the hearing and offer public comments on the proposed rule during the hearing. To access the hearing by telephone: please call 1-505-312-4308, phone conference ID # 897566521#. Your telephone comments will be recorded. To access the hearing via internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, enter the following meeting number and password where indicated on screen—Meeting ID 272 551 467 621, Passcode: GCNHyY, then click the “Join a meeting” button. You may also provide comment via Chat during the live streaming.

Written public comments may also be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rules to the attention of:

**For 7.1.31 NMAC:**

Kenneth Geter, Bureau Chief  
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**For 7.1.19 NMAC:**

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Mailed written comments must be received by 5 pm MST on March 3, 2023. Written comments may also be submitted to the email address shown above through 5:00 pm MST on the date of the hearing. All written comments will be published on the agency website at <https://nmhealth.org/publication/regulation/> within 3 days of receipt, and will be available at the New Mexico Department of Health Office of General Counsel for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Sheila Apodaca by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.