

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of amendments to rule Part 7.30.13 NMAC Crisis Triage Centers (CTC), Sections 7 (“Definitions”), 9 (“Scope of Services”), and 29 (“Staffing Requirements”). The public hearing will be held on December 14, 2023 at 9:00 a.m. MDT via web video conference and telephone. The hearing will be conducted to receive public comment regarding the adoption of amendments to 7.30.13 NMAC which will allow CTC facilities to accept involuntary admissions as set forth in recent statutory amendments to Section 43-1-1 et. al NMSA Mental Health and Disabilities Code which went into effect June 16, 2023, will set forth staffing and medical records requirements for CTC facilities accepting involuntary admissions, will change on-site RN requirements for CTCs offering 23 hours or less non-residential services, and will add a definition of CTCs to reflect the definition in Section 43-1-3 NMSA 1978.

The hearing will be conducted to receive public comments regarding proposed amendments of the rule, 7.30.13 NMAC, including the following rule parts:

- 7.30.13.7 NMAC - Definitions, Amend to include a definition for “crisis triage center” to reflect the definition in Section 43-1-3 NMSA 1978.
- Subsection C of 7.30.13.9 NMAC, - Amend to expand the scope of services to allow CTCs to accept involuntary admissions as set forth in Section 43-1-15.1 NMSA Crisis Triage Centers; admission or treatment.
- Subsection C of 7.30.13.9 NMAC, - Amend to provide that if a CTC facility accepts involuntary admissions, the CTCs shall comply with all hearing and treatment provisions of Section 43-1-1 et. al NMSA 1978.
- Subsection A of 7.30.13.29 NMAC, - Amend to remove the requirement of a 24 hour a day RN presence requirement for CTC facilities offering 23 hours or less non-residential services, instead allowing such facilities to have onsite medical professionals who have access to immediate support and supervision by an RN or higher-level provider in according with 24-25-1 et. al NMSA 1978 New Mexico Telehealth Act.
- Subsection B of 7.30.13.29 NMAC, - Amend to require CTCs accepting involuntary admissions to have adequate staffing and to meet medical record requirements for licensure of psychiatric hospitals.

The purpose of the proposed rule amendments is to adopt the rule changes described, which are proposed in part in order to conform the Crisis Triage Centers rule to recent statutory amendments to Section 41-1-1 et.al NMSA Mental Health and Disabilities Code which went into effect June 16, 2023. The purpose of the proposed rule amendments is also to remove on-site RN presence requirements for CTC facilities offering 23 hours or less non-residential services, instead allowing such facilities to have onsite medical professionals who have access to immediate support and supervision by an RN or higher-level provider in according with 24-25-1 et. al NMSA 1978 New Mexico Telehealth Act. The purpose of the proposed amendments is also to require CTCs accepting involuntary admissions to have adequate staffing and to meet medical record requirements for licensure of psychiatric hospitals as set forth in 7.7.2.40 NMAC.

The legal authority authorizing the proposed amendments of the rule by the Department is at Subsection E of Section 9-7-6 NMSA 1978, Subsection D of 24-1-2 NMSA 1978, Subsection J of Section 24-1-3 NMSA 1978, Section 24-1-5 NMSA 1978, and the Mental Health and Disabilities Code Section 43-1-1 et. al NMSA 1978.

A free copy of the full text of the proposed rule amendments 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 anyone may offer public comments on the proposed rule amendments orally at the hearing. To access the hearing by telephone: please call 1-505-312-4308, phone conference i.d. code 372 220 447#. To access the hearing via internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, enter the following meeting i.d. code and passcode where indicated on screen—meeting i.d. code 244 302 554 623, Passcode: Yh2JgX, then click the “Join a meeting” button. All oral comments will be recorded.

Any person may submit written public comment concerning the rule amendments. Written comments may be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rules to the attention of:

Via Postal Mail:

Christopher Burmeister
Division Director, Health Improvement
New Mexico Department of Health
2040 S. Pacheco,
Santa Fe, NM 87505
christopher.burmeis@doh.nm.gov
505-252-4492

Via E-mail: christopher.burmeis@doh.nm.gov

Mailed written comments must be received no later than 5:00 p.m. MDT on December 12, 2023. Written comments may also be submitted to the email address shown above through 5:00 pm MDT on the date of the hearing. All written comments will be published on the agency website at <http://nmhealth.org/publication/regulation/> within 3 business days of receipt, and will be available at the Office of the New Mexico Department of Health, at the address above, 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 Brandy Sanchez by telephone at (505) 827-2997. The Department requests at least ten (10) days' advance notice to provide requested special accommodations.