

NOTICE OF RULEMAKING

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.312.2, Long-Term Care Services - Nursing Services, Nursing Facilities. This amendment implements an add-on rate for ventilator services provided in long-term and skilled nursing facilities.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: September 26, 2023

Hearing Date: October 26, 2023

Adoption Date: Proposed as December 1, 2023

Technical Citations: State Plan Amendment (SPA) 22-0012 Nursing Facility (NF) Ventilator Services

**The Department is proposing to amend the rule as follows:**

**8.312.2 NMAC**

Section 8 is amended to reflect the Department's current mission statement.

Section 13 is amended to reflect NF covered per diem add-on for ventilator services in long-term and skilled nursing facilities in New Mexico.

Several changes have been made throughout the NMAC to comply with formatting requirements.

These proposed rule changes will be contained in 8.312.2 NMAC. This register and the proposed rule are available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

A public hearing to receive testimony on this proposed rule will be held on October 26, 2023, at 9:00 a.m. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and **via conference call. Conference phone number: 1-800-747-5150. Access Code: 2284263.**

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [HSD-madrules@state.nm.us](mailto:HSD-madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on October 26, 2023. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The

Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.