

**NOTICE OF INTENT TO ISSUE EMERGENCY RULE**

Adding “non-emergency medical transport services” requirements for Transportation Network Companies intending to provide this service under the newly adopted Senate Bill 485 that will take effect on July 1, 2023.

**SPECIFIC AUTHORITY:**

Pursuant to Paragraph (10) of Subsection B of Section 62-19-9 NMSA and Subsection C of Section 65-7-4 NMSA 1978, the New Mexico Public Regulation Commission shall promulgate rules necessary or appropriate to carry out its powers. Paragraph (10) of Subsection B of Section 62-19-9 NMSA and Subsection C of Section 65-7-4 NMSA 1978, allows the Public Regulation Commission to promulgate emergency rules when there is a concern for public health, safety, or welfare. These emergency rules shall be temporary in nature and the amended rules will revert to their previous versions by effect of law 180 days after the emergency rule amendments are filed.

**CONCISE EXPLANATORY STATEMENT:**

On April 5, 2023, the Governor signed into law State Bill 485. State Bill 485 allows Transportation Network Companies to provide “non-emergency medical transport services” beginning on July 1, 2023. To ensure that the rules necessary to guide Transportation Network Companies in the promulgation of the new service, the Public Commission finds that following the State Rule Act’s rulemaking procedures could cause imminent peril to public health, safety, or welfare.

**DESCRIPTION OF EMERGENCY RULE AMENDMENTS:**

The emergency temporary amendment to Rule 18.7.1 NMAC would add “non-emergency medical transport services” requirements in a manner that is consistent with Motor Carriers providing a similar service within the State. Specifically, the emergency rule will read:

18.7.1.11 NON-EMERGENCY MEDICAL TRANSPORT SERVICES

- A. May be provided only to riders who do not require medical intervention to maintain their level of response, airway, breathing and circulatory status, with the exception that self-administered oxygen is not to exceed six liters per minute via a nasal cannula; the oxygen container must be secured in accordance with other state and federal laws; and
- B. May not be provided to riders who are recumbent (for example, on transport gurneys) or require medical monitoring or medical intervention.

The emergency rule will last for 180 days or until replaced by a permanent rule, whichever is sooner.