

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 370 OVERSIGHT OF LICENSED HEALTHCARE FACILITIES AND COMMUNITY BASED WAIVER PROGRAMS**  
**PART 3 HEALTH FACILITY LICENSURE FEES AND PROCEDURES**

**8.370.3.1 ISSUING AGENCY:** New Mexico Health Care Authority, Division of Health Improvement, Health Facility Licensing and Certification Bureau.  
[8.370.3.1 NMAC – Rp/E, 8.370.3.1 NMAC, 8/01/2024]

**8.370.3.2 SCOPE:** These regulations apply to any health facility as defined by Subsection D of Section 24-1-2 NMSA 1978, as amended, which is licensed or is required to be licensed, or any health facility which by federal regulations must be licensed to obtain or maintain federal funding.  
[8.370.3.2 NMAC – Rp/E, 8.370.3.2 NMAC, 8/01/2024]

**8.370.3.3 STATUTORY AUTHORITY:** The regulations set forth herein have been promulgated by the secretary of the New Mexico health care authority (authority), pursuant to the general authority granted under Subsection E of Section 9-8-6 of the Health Care Authority Act, NMSA 1978, as amended; and the authority granted under Subsection D of Section 24-1-2, Subsection I of Section 24-1-3, and Section 24-1-5 of the Public Health Act, NMSA 1978, as amended. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority as a single, unified department to administer laws and exercise functions relating to health care purchasing and regulation.  
[8.370.3.3 NMAC – Rp/E, 8.370.3.3 NMAC, 8/01/2024]

**8.370.3.4 DURATION:** Permanent.  
[8.370.3.4 NMAC – Rp/E, 8.370.3.4 NMAC, 8/01/2024]

**8.370.3.5 EFFECTIVE DATE:** August 1, 2024, unless a later date is cited at the end of a section.  
[8.370.3.5 NMAC – Rp/E, 8.370.3.5 NMAC, 8/01/2024]

**8.370.3.6 OBJECTIVE:** The purpose of these regulations is to set licensing fees for health facilities. Fees are charged in order to partially defray the cost to the state of New Mexico of the licensing process, including the cost of on-site facility surveys by the licensing authority.  
[8.370.3.6 NMAC – Rp/E, 8.370.3.6 NMAC, 8/01/2024]

**8.370.3.7 DEFINITIONS:** For purposes of these regulations the following shall apply:

**A. "amended license"** means a license issued by the licensing authority to reflect a non-substantive change which does not result in the voiding of the original license, for example, a change in the name of the facility or a change in the operator or administrator;

**B. "annual license"** is a license granting permission to operate a facility for the one-year period stated on the face of the document; the annual license is issued on an initial and renewal basis following submission of an acceptable application for license and survey of the facility;

**C. "application for license"** means the forms, attachments and other writings and drawings required by the licensing authority, under the authority of the regulations listed in 8.370.3.14 NMAC, of these regulations to be submitted for review by the licensing authority as part of the process of granting or denying an annual license;

**D. "bed"** means an assembly for sleeping, whether or not the bed is in actual use and for which "bed capacity" the facility is licensed;

**E. "capacity"** means the total number of persons or beds for which the facility is licensed;

**F. "change of ownership"** licenses are **non-transferable**; a change of ownership licensure will follow the initial application and licensure fee schedule process;

**G. "denial of the license"** means action by the licensing authority refusing to grant an annual license on the basis of non-compliance with applicable laws and regulations, and specifically under these regulations, nonpayment of the prescribed fee;

**H. "facility and health facility"** means any health facility required to be licensed by the licensing authority by authority of the Public Health Act, Sections 24-1-1 et seq. NMSA 1978, as amended, and the regulations listed in 8.370.3.14 NMAC of these regulations;

**I. "facility inspections or survey and inspection survey"** means an entry into a facility and examination of the facility premises, inspection of records and interview of staff and clientele;

**J. "license"** means the document issued by the licensing authority which authorizes the operation of a facility. The term license may mean an annual license or a time-limited temporary license;

**K. "licensing authority"** means the division of health improvement of the New Mexico department of health;

**L. "temporary license"** means a provisional license granting permission to operate a facility for any period of time not to exceed 120 days; not more than two consecutive temporary licenses may be granted by the licensing authority.

[8.370.3.7 NMAC – Rp/E, 8.370.3.7 NMAC, 8/01/2024]

**8.370.3.8 STANDARD OF COMPLIANCE:** Strict compliance is required of health facilities subject to these regulations. Payment of the licensing fee is a condition precedent to licensure of the health facility by the licensing authority.

[8.370.3.8 NMAC – Rp/E, 8.370.3.8 NMAC, 8/01/2024]

**8.370.3.9 BASIS:** Licensing fees for inpatient health facilities providing professional medical or nursing services on a 24 hour basis are based upon a maximum fee per bed set by statute. Licensing fees are based upon the maximum fee for health facilities as set by statute.

[8.370.3.9 NMAC – Rp/E, 8.370.3.9 NMAC, 8/01/2024]

**8.370.3.10 LICENSURE FEE SCHEDULE:** Rates shall be charged, as indicated in the fee schedule shown in this section, upon initial and renewal application for an annual license and prior to issuance of a second temporary license. The fee for the first temporary license is included in the initial application fee.

**A. Category I:** Fees for facilities providing professional medical or nursing services on a 24 hour basis shall be based on the number of beds in each facility.

Type of Facility	Rate Per Bed
General hospitals	\$12.00
Limited hospitals	\$12.00
Special hospitals	\$12.00
orthopedic hospitals	\$12.00
children's hospitals	\$12.00
psychiatric hospitals	\$12.00
alcohol and drug abuse treatment hospitals	\$12.00
rehabilitation hospitals	\$12.00
other special hospitals as identified	\$12.00
Children's Psychiatric Hospital	\$12.00
Rural primary care hospitals	\$12.00
Long-term care facilities	\$12.00
skilled nursing facilities	\$12.00
intermediate care facilities	\$12.00
intermediate care facilities for mentally retarded	\$12.00

**B. Category II:** Fee for facilities providing professional medical or nursing services in the home or on an outpatient basis shall be based per license for each facility:

Type of Facility	Rate Per License
Health facilities providing outpatient medical services	\$300.00
community mental health	\$300.00
free standing hospice	\$300.00
home health agency	\$300.00
diagnostic and treatment center	\$300.00
limited diagnostic and treatment center	\$300.00
rural health clinic	\$300.00

infirmery	\$300.00
new or innovative clinic	\$300.00
ambulatory surgical center	\$300.00
Facilities providing services for end stage renal disease	\$300.00
services for end state renal disease	\$300.00
renal transplantation center	\$300.00
renal dialysis center	\$300.00
renal dialysis facility	\$300.00
self dialysis unit	\$300.00
special purpose renal dialysis facility	\$300.00
In home and inpatient hospice care	\$300.00
Home health agencies	\$300.00

**C. Category III:** Fees for facilities providing assisted living on a 24 hour basis in accordance with 8.370.12 NMAC.

Type of Facility	Rate Per License
Assisted Living Facilities	\$300.00

**D. Category IV:** Facilities providing adult day care and services for less than 24 hours a day for three or more clients in accordance with 8.370.20 NMAC.

Type of Facility	Rate Per License
Adult Day Care Facilities	\$300.00

[8.370.3.10 NMAC – Rp/E, 8.370.3.10 NMAC, 8/01/2024]

**8.370.3.11 FEES FOR AMENDED LICENSES:** The licensing fee for each amended license issued shall be \$300.00 as follows.

Amendment Types	Amended License Fee
Change of administrator or director	\$300.00
Change of capacity (additional \$12.00 per bed if fee is rate per bed)	\$300.00
Change of facility name	\$300.00
Change of physical address	\$300.00

[8.370.3.11 NMAC – Rp/E, 8.370.3.11 NMAC, 8/01/2024]

**8.370.3.12 METHOD OF PAYMENT FOR LICENSE FEES:** All applications for license and requests for amended license shall be accompanied by the prescribed fee in the form of a check or money order payable to the state of New Mexico.

[8.370.3.12 NMAC – Rp/E, 8.370.3.12 NMAC, 8/01/2024]

**8.370.3.13 NON-REFUNDABLE PRE-PAYMENT OF FEES:** All fees are prepaid and are not refundable.

[8.370.3.13 NMAC – Rp/E, 8.370.3.13 NMAC, 8/01/2024]

**8.370.3.14 RELATED REGULATIONS:** The following is a list of regulations regarding licensure of health facilities within the jurisdiction of the licensing authority.

- A.** Requirements for Acute Care, Limited Services and Special Hospitals, New Mexico health care authority, 8.370.12 NMAC.
- B.** Requirements for Long Term Care Facilities, New Mexico health care authority, 8.370.16 NMAC.
- C.** Requirements for Facilities Providing Outpatient Medical Services and Infirmaries, New Mexico health care authority, 8.370.18 NMAC.
- D.** Requirements for In-home and Inpatient Hospice Care, New Mexico health care authority, 8.370.19 NMAC.
- E.** Requirements for Adult Day Care Facilities, New Mexico health care authority, 8.370.20 NMAC.
- F.** Requirements for Intermediate Care Facilities for the Mentally Retarded, New Mexico health care authority, 8.371.2 NMAC.
- G.** Requirements for End Stage Renal Disease Facilities, New Mexico health care authority, 8.370.24 NMAC.

**H.** Requirements for Assisted Living Facilities for Adults, New Mexico health care authority, 8.370.14 NMAC.

**I.** Requirements for Home Health Agencies, New Mexico health care authority, 8.370.22 NMAC. [8.370.3.14 NMAC – Rp/E, 8.370.3.14 NMAC, 8/01/2024]

**History of 8.370.4 NMAC: [RESERVED]**