

## NOTICE OF RULEMAKING

The Human Services Department (HSD) (the Department), through the Medical Assistance Division (MAD), is proposing the New Mexico Administrative Code (NMAC) rule 8.325.12, Medication Assisted Treatment Services in Correctional Settings. As directed under NMSA 1978, §24-1-5.11, HSD establishes this rule in order to provide guidance and requirements for delivery of substance use disorder treatment and reentry services for persons diagnosed with substance use disorder in correctional 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: April 9, 2024

Hearing Date: May 9, 2024

Adoption Date: September 1, 2024

Technical Citations: Pursuant to NMSA 1978, §24-1-5.11.

### VI. RULE

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.

### VII. EFFECTIVE DATE

The Department proposes to implement this rule September 1, 2024, and will be effective as follows:

By December 31, 2025, the New Mexico Corrections Department (NMCD) operated correctional facilities shall provide continuation of medication-assisted treatment (MAT) services or medication for opioid use disorder (MOUD) in compliance with these regulations for individuals receiving MAT or MOUD in the community or in a county detention facility prior to booking.

By June 30, 2026, NMCD operated correctional facilities shall initiate MAT or MOUD treatment services in compliance with these regulations for qualified individuals diagnosed with substance use disorder.

### VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on **Thursday, May 9, 2024, at 10:00 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.**

If you are a person with a disability and you require this information in an alternative format or require 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.

### IX. ADDRESS

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@hsd.nm.gov](mailto:HSD-madrules@hsd.nm.gov). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on May 9, 2024. 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/2024-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.