

**NOTICE OF PROPOSED RULEMAKING**

On July 1, 2024, the New Mexico Human Services Department (the Department) will become the New Mexico Health Care Authority (“HCA”), pursuant to the passage of S16 during the 2023 NM Legislative Session and signed into law by NM Governor Michelle Lujan Grisham. To bring the New Mexico Administrative Code (NMAC) into full alignment with this change, the Department is proposing to repeal within Title 7 of the New Mexico Administrative Code several Department of Health (DOH) rules and to establish HCA authority over certain programs and oversight activities with adoption of new rules within Title 8 of the New Mexico Administrative Code. Change of department name and statutory authority are the only substantive proposed changes to the rules. There are no programmatic or other substantive changes proposed for any new rule. This process of repealing DOH rules and adopting new HCA rules is necessary under 1.24.11.9 NMAC.

Section 9-8-6 NMSA 1978, authorizes the HSD Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions, and DOH has delegated HSD authority to carry out these rule changes on its behalf. (See attached letter.). All the DOH rules HSD proposes to make changes to are listed at the end of this notice, clearly marked which will be amended and which will be repealed and replaced.

Copies of these proposed changes are available online from the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/register/> and <https://www.hsd.state.nm.us/2024-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting HSD at (505) 709-8865.

Notice Date: May 7, 2024

Hearing Date: June 7, 2024

Proposed Effective Date: July 1, 2024

A public hearing to receive testimony on these repeals will be held on **June 7, 2024, at 2:30 pm** Mountain Time (MT). There are three options for attending the hearing:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.
2. Join the Zoom webinar on your computer, mobile app or room device:  
<https://us02web.zoom.us/j/82263420751?pwd=aVVtZjFGWE41eUZxTXV0dVlVaOUx1dz09>  
Webinar ID        822 6342 0751  
Passcode         144466
3. Or call in (audio only):  
+1-719-359-4580 or +1-253-205-0468  
Webinar ID        822 6342 0751  
Passcode         144466

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 HSD at (505) 709-8865. 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 upon request by providing copies directly to a requestor or by making them available on the Department’s website or at a location within the county of the requestor.

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: HSD/HCA Rule Change Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 709-8865. Interested persons may also address comments via electronic mail to: [Diane.Bilodeau@hsd.nm.gov](mailto:Diane.Bilodeau@hsd.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on June 7, 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.

**DOH rules to be repealed and replaced with new part numbers in Title 8**

<b>DOH Rule number to be repealed</b>	<b>New Title 8 rule numbers</b>	<b>New Title 8 Rule names</b>
7.1.2 NMAC	8.370.2 NMAC	Adjudicatory Hearings for Licensed Facilities
7.1.7 NMAC	8.370.3 NMAC	Health Facility Licensure Fees and Procedures
7.1.8 NMAC	8.370.4 NMAC	Health Facility Sanctions and Civil Monetary Penalties
7.1.9 NMAC	8.370.5 NMAC	Caregivers Criminal History Screening Requirements
7.1.10 NMAC	8.370.6 NMAC	Access to Medical Records by Disability Applicants
7.1.11 NMAC	8.370.7 NMAC	Health Facility Receivership Requirements
7.1.12 NMAC	8.370.8 NMAC	Employee Abuse Registry
7.1.13 NMAC	8.370.9 NMAC	Incident Reporting, Intake, Processing and Training Requirements
7.1.14 NMAC	8.370.10 NMAC	Abuse, Neglect, Exploitation, and Death Reporting, Training and Related Requirements for Community Providers
7.1.32 NMAC	8.370.11 NMAC	Long-Term Care Facility Dementia Training
7.7.2. NMAC	8.370.12 NMAC	Requirements for Acute Care, Limited Services and Special Hospitals
7.7.3 NMAC	8.370.13 NMAC	Requirements for Rural Emergency Hospitals
7.8.2 NMAC	8.370.14 NMAC	Assisted Living Facilities for Adults
7.8.4 NMAC	8.370.15 NMAC	General Requirements for Boarding Homes
7.9.2 NMAC	8.370.16 NMAC	Requirements for Long Term Care Facilities
7.10.2 NMAC	8.370.17 NMAC	Requirements for Freestanding Birth Centers
7.11.2 NMAC	8.370.18 NMAC	Requirements for Facilities Providing Outpatient Medical Services and Infirmaries
7.12.2 NMAC	8.370.19 NMAC	Requirements for In home and Inpatient Hospice Care
7.13.2 NMAC	8.370.20 NMAC	Requirements for Adult Day Care Facilities
7.14.2 NMAC	8.370.21 NMAC	Quality Management System and Review Requirements for Providers of Community Based Services
7.28.2 NMAC	8.370.22 NMAC	Requirements for Home Health Agencies
7.36.2 NMAC	8.370.24 NMAC	Requirements for End Stage Renal Disease Facilities
16.12.20 NMAC	8.370.25 NMAC	Hearing Requirements for Certified Nurse Aides
	8.371.1 NMAC	General Provisions [RESERVED]
7.26.2 NMAC	8.371.2 NMAC	Requirements for Intermediate Care Facilities for the Mentally Retarded
7.26.3 NMAC	8.371.3 NMAC	Rights of Individuals with Developmental Disabilities Living in the Community
7.26.4 NMAC	8.371.4 NMAC	Client Complaint Procedures
7.26.5 NMAC	8.371.5 NMAC	Service Plans for Individuals with Developmental Disabilities Living in the Community
7.26.6 NMAC	8.371.6 NMAC	Requirements for Developmental Disabilities Community Programs
7.26.7 NMAC	8.371.7 NMAC	(Appendix A) Individual Transition Planning Process
7.26.8 NMAC	8.371.8 NMAC	(Appendix B) Dispute Resolution Process

7.26.9 NMAC	8.371.9 NMAC	Admission, Discharge and Transfer of Eligible Recipients for Services in ICF / MR Facilities
7.20.3 NMAC	8.321.6 NMAC	Requirements for Community Mental Health Centers
7.20.4 NMAC	8.321.7 NMAC	Behavioral Health Capital Fund Program
7.32.2 NMAC	8.321.8 NMAC	Admission Criteria for Alcohol and Substance Services
7.32.5 NMAC	8.321.9 NMAC	Procurement of Professional Services for Alcohol and Substance Abuse Services
7.32.8 NMAC	8.321.10 NMAC	Opioid Treatment Programs
7.30.13 NMAC	8.321.11 NMAC	Crisis Triage Centers