

**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 amend rules found in the New Mexico Administrative Code (NMAC) as outlined below and as listed at the end of this Notice. These proposed amendments are to address the administrative need to change the name of the Human Services Department to the Health Care Authority and throughout this rule, if found, “department” to “authority” or “HSD” was changed to “HCA”. There are no programmatic changes proposed.

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.

These proposed rule changes are available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/> 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.

For all amendments of all rules listed at the end of this notice, the draft language of every amendment will be substantially the same for each section:

Section 1 is being amended to reflect the change from the Human Services Department to the Health Care Authority. Section 3 is being amended to add the statutory citation for the Health Care Authority (Section 9-8-1 et seq. NMSA 1978.)

An explanatory sentence is added to every amendment that states: “Consistent with all other rules converted from the Human Services Department to the Health Care Authority; throughout this rule, if found, “department” was changed to “authority” or “HSD” was changed to “HCA”.”

The amendments to these rules do not encompass any other substantive changes to any other section.

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 10:30 am** 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/86195382902?pwd=YWI3aVFWS1czWTl6RjNlMlZMMWZOdz09>

Webinar ID      861 9538 2902  
Passcode        652945

3. Or call in (audio only):

+1-669-444-9171,,86195382902# or +1-669-900-6833,,86195382902#

Webinar ID      861 9538 2902  
Passcode        652945

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.

**HSD Rules to be Amended:**

**Rule number**                      **Rule name**

8.1.2 NMAC	GENERAL OPERATING PROCEDURE FOR THE OFFICE OF THE INSPECTOR GENERAL
8.50.100 NMAC	GENERAL PROVISIONS
8.50.108 NMAC	ESTABLISHMENT AND MODIFICATION OF SUPPORT ORDER
8.50.109 NMAC	MEDICAL SUPPORT
8.50.110 NMAC	INCOME WITHHOLDING
8.50.111 NMAC	GENERAL ENFORCEMENT OF SUPPORT OBLIGATIONS
8.50.112 NMAC	ADMINISTRATIVE ENFORCEMENT OF SUPPORT OBLIGATIONS
8.50.113 NMAC	ENFORCEMENT OF SUPPORT OBLIGATIONS FROM FEDERAL EMPLOYEES INCLUDING MEMBERS OF THE ARMED SERVICES
8.50.114 NMAC	FINANCIAL INSTITUTION DATA MATCH (FIDM)
8.50.115 NMAC	EXPEDITED PROCESSES AND ADMINISTRATIVE EXPEDITED PROCESS
8.50.117 NMAC	INTERNATIONAL CHILD SUPPORT ENFORCEMENT
8.50.124 NMAC	INTERSTATE CASES
8.50.125 NMAC	FEES, PAYMENTS, AND DISTRIBUTIONS
8.50.129 NMAC	CASE MANAGEMENT
8.50.130 NMAC	ADMINISTRATIVE HEARINGS

8.50.131 NMAC	PENALTIES
8.50.132 NMAC	UNCLAIMED CHILD, SPOUSAL OR MEDICAL SUPPORT
8.100.140 NMAC	GENERAL OPERATING POLICIES CASE FILES
8.100.640 NMAC	RESTORATION AND CLAIMS
8.102.100 NMAC	RECIPIENT POLICIES – DEFINITIONS AND ACRONYMS
8.102.460 NMAC	RECIPIENT POLICIES – COMPLIANCE REQUIREMENTS
8.102.461 NMAC	WORK PROGRAM ACTIVITIES
8.102.462 NMAC	NEW MEXICO WAGE SUBSIDY PROGRAM
8.106.100 NMAC	RECIPIENT POLICIES – DEFINITIONS AND ACRONYMS
8.106.400 NMAC	RECIPIENT POLICIES – DEFINING THE BENEFIT GROUP
8.106.410 NMAC	RECIPIENT POLICIES – GENERAL RECIPIENT REQUIREMENTS
8.106.420 NMAC	RECIPIENT POLICIES – REQUIREMENTS FOR DETERMINING DISABILITY
8.106.430 NMAC	RECIPIENT POLICIES – REQUIREMENTS FOR DEPENDENT CHILDREN
8.106.431 NMAC	PRE CERTIFIED VICTIMS OF HUMAN TRAFFICKING
8.106.500 NMAC	ELIGIBILITY POLICY – GENERAL INFORMATION
8.106.502 NMAC	GENERAL INFORMATION – BURIAL ASSISTANCE
8.106.510 NMAC	ELIGIBILITY POLICY- RESOURCES/PROPERTY
8.106.520 NMAC	ELIGIBILITY POLICY – INCOME
8.106.610 NMAC	DESCRIPTION OF PROGRAM/BENEFITS – BENEFIT DELIVERY
8.106.620 NMAC	DESCRIPTION OF PROGRAM BENEFITS – BENEFIT DETERMINATION/GENERAL
8.106.630 NMAC	DESCRIPTION OF PROGRAM/BENEFITS – CHANGES IN ELIGIBILITY
8.106.631 NMAC	HEAT AND EAT PROGRAM
8.119.100 NMAC	RECIPIENT POLICIES-DEFINITIONS AND ACRONYMS
8.139.410 NMAC	GENERAL RECIPIENT REQUIREMENTS – NONFINANCIAL ELIGIBILITY CRITERIA
8.139.501 NMAC	TRANSITIONAL FOOD STAMP BENEFIT ELIGIBILITY
8.139.502 NMAC	STATE FOOD STAMP SUPPLEMENT
8.139.503 NMAC	NEW MEXICO MODIFIED COMBINED APPLICATION PROJECT
8.139.504 NMAC	NEW MEXICO EXTRA HELP SNAP
8.139.520 NMAC	ELIGIBILITY POLICY – INCOME AND DEDUCTIONS
8.139.527 NMAC	FOOD STAMP PROGRAM – INCOME AND RESOURCES EXCLUDED BY FEDERAL LAW
8.200.410 NMAC	GENERAL RECIPIENT REQUIREMENTS
8.200.420 NMAC	SPECIAL RECIPIENT REQUIREMENTS
8.201.400 NMAC	RECIPIENT POLICIES
8.201.600 NMAC	BENEFIT DESCRIPTION
8.206.400 NMAC	RECIPIENT REQUIREMENTS
8.215.400 NMAC	RECIPIENT POLICIES

8.215.500 NMAC	INCOME AND RESOURCE STANDARDS
8.215.600 NMAC	BENEFIT DESCRIPTION
8.231.400 NMAC	RECIPIENT POLICIES
8.231.500 NMAC	INCOME AND RESOURCE STANDARDS
8.231.600 NMAC	BENEFIT DESCRIPTION
8.234.400 NMAC	RECIPIENT REQUIREMENTS
8.234.500 NMAC	INCOME AND RESOURCE STANDARDS
8.234.600 NMAC	BENEFIT DESCRIPTION
8.242.400 NMAC	RECIPIENT REQUIREMENTS
8.242.500 NMAC	INCOME AND RESOURCE STANDARDS
8.242.600 NMAC	BENEFIT DESCRIPTION
8.243.400 NMAC	RECIPIENT POLICIES
8.243.500 NMAC	INCOME AND RESOURCE STANDARDS
8.243.600 NMAC	BENEFIT DESCRIPTION
8.245.600 NMAC	BENEFIT DESCRIPTION
8.249.400 NMAC	RECIPIENT REQUIREMENTS
8.249.500 NMAC	INCOME AND RESOURCE STANDARDS
8.249.600 NMAC	BENEFIT DESCRIPTION
8.250.400 NMAC	RECIPIENT REQUIREMENTS
8.250.500 NMAC	INCOME AND RESOURCE STANDARDS
8.250.600 NMAC	BENEFIT DESCRIPTION
8.252.500 NMAC	INCOME AND RESOURCE STANDARDS
8.252.600 NMAC	BENEFIT DESCRIPTION
8.259.400 NMAC	RECIPIENT REQUIREMENTS
8.259.500 NMAC	INCOME AND RESOURCE STANDARDS
8.259.600 NMAC	BENEFIT DESCRIPTION
8.280.400 NMAC	RECIPIENT POLICIES
8.280.600 NMAC	BENEFIT DESCRIPTION
8.281.400 NMAC	RECIPIENT POLICIES
8.281.500 NMAC	INCOME AND RESOURCE STANDARDS
8.281.510 NMAC	TRUST STANDARDS
8.281.600 NMAC	BENEFIT DESCRIPTION
8.285.400 NMAC	RECIPIENT REQUIREMENTS
8.290.400 NMAC	RECIPIENT POLICIES
8.290.600 NMAC	BENEFIT DESCRIPTION
8.291.400 NMAC	ELIGIBILITY REQUIREMENTS

8.291.410 NMAC	GENERAL RECIPIENT REQUIREMENTS
8.291.420 NMAC	RECIPIENT RIGHTS AND RESPONSIBILITIES
8.292.400 NMAC	RECIPIENT REQUIREMENTS
8.292.500 NMAC	INCOME AND RESOURCE STANDARDS
8.292.600 NMAC	BENEFIT DESCRIPTION
8.293.400 NMAC	RECIPIENT REQUIREMENTS
8.293.500 NMAC	INCOME AND RESOURCE STANDARDS
8.293.600 NMAC	BENEFIT DESCRIPTION
8.294.400 NMAC	RECIPIENT REQUIREMENTS
8.294.500 NMAC	INCOME AND RESOURCE STANDARDS
8.294.600 NMAC	BENEFIT DESCRIPTION
8.295.400 NMAC	RECIPIENT REQUIREMENTS
8.295.500 NMAC	INCOME AND RESOURCE STANDARDS
8.295.600 NMAC	BENEFIT DESCRIPTION
8.296.400 NMAC	RECIPIENT REQUIREMENTS
8.296.500 NMAC	INCOME AND RESOURCE STANDARDS
8.296.600 NMAC	BENEFIT DESCRIPTION
8.297.400 NMAC	RECIPIENT REQUIREMENTS
8.297.500 NMAC	INCOME AND RESOURCE STANDARDS
8.297.600 NMAC	BENEFIT DESCRIPTION
8.298.400 NMAC	RECIPIENT REQUIREMENTS
8.298.500 NMAC	INCOME AND RESOURCE STANDARDS
8.298.600 NMAC	BENEFIT DESCRIPTION
8.299.400 NMAC	RECIPIENT REQUIREMENTS
8.299.500 NMAC	INCOME AND RESOURCE STANDARDS
8.299.600 NMAC	BENEFIT DESCRIPTION
8.300.22 NMAC	ELECTRONIC HEALTH RECORDS INCENTIVE PROGRAM
8.302.2 NMAC	BILLING FOR MEDICAID SERVICES
8.302.3 NMAC	THIRD PARTY LIABILITY PROVIDER RESPONSIBILITIES
8.308.2 NMAC	PROVIDER NETWORK
8.308.6 NMAC	ELIGIBILITY
8.308.7 NMAC	ENROLLMENT AND DISENROLLMENT
8.308.8 NMAC	MEMBER EDUCATION
8.308.9 NMAC	BENEFIT PACKAGE
8.308.10 NMAC	CARE COORDINATION
8.308.11 NMAC	TRANSITION OF CARE
8.308.12 NMAC	COMMUNITY BENEFIT

8.308.13 NMAC	MEMBER REWARDS
8.308.14 NMAC	CO-PAYMENTS
8.308.15 NMAC	GRIEVANCES AND APPEALS
8.308.20 NMAC	REIMBURSEMENT
8.308.21 NMAC	QUALITY MANAGEMENT
8.308.22 NMAC	FRAUD, WASTE AND ABUSE
8.309.4 NMAC	MAD ADMINISTERED BENEFITS AND LIMITATION OF SERVICES
8.310.2 NMAC	GENERAL BENEFIT DESCRIPTION
8.310.3 NMAC	PROFESSIONAL PROVIDERS, SERVICES AND REIMBURSEMENT
8.310.9 NMAC	RURAL HEALTH CLINIC SERVICES
8.310.12 NMAC	INDIAN HEALTH SERVICE AND TRIBAL 638 FACILITIES
8.311.3 NMAC	METHODS AND STANDARDS FOR ESTABLISHING PAYMENT – INPATIENT HOSPITAL SERVICES
8.311.5 NMAC	SWING BED HOSPITAL SERVICES
8.312.2 NMAC	NURSING FACILITIES
8.312.3 NMAC	COST RELATED REIMBURSEMENT OF NURSING FACILITIES
8.314.3 NMAC	MEDICALLY FRAGILE HOME AND COMMUNITY-BASED SERVICES WAIVER
8.314.5 NMAC	DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES WAIVER
8.314.6 NMAC	MI VIA HOME AND COMMUNITY-BASED SERVICES WAIVER
8.314.7 NMAC	SUPPORT WAIVER
8.320.2 NMAC	EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT (EPSDT) SERVICES
8.320.6 NMAC	SCHOOL-BASED SERVICES FOR MAP ELIGIBLE RECIPIENTS UNDER TWENTY-ONE YEARS OF AGE
8.324.4 NMAC	PHARMACY SERVICES, PRESCRIBING, AND PRACTITIONER ADMINISTERED DRUG ITEMS
8.324.5 NMAC	VISION APPLIANCES, HEARING APPLIANCES, DURABLE MEDICAL EQUIPMENT, OXYGEN, MEDICAL SUPPLIES, PROSTHETICS AND ORTHOTICS
8.324.7 NMAC	TRANSPORTATION SERVICES AND LODGING
8.325.8 NMAC	REHABILITATION SERVICE PROVIDERS
8.326.3 NMAC	CASE MANAGEMENT SERVICES FOR PREGNANT WOMEN AND THEIR INFANTS
8.326.4 NMAC	CASE MANAGEMENT SERVICES FOR THE CHRONICALLY MENTALLY ILL
8.326.5 NMAC	CASE MANAGEMENT SERVICES FOR TRAUMATICALLY BRAIN INJURED ADULTS
8.326.6 NMAC	CASE MANAGEMENT SERVICES FOR CHILDREN UP TO AGE THREE
8.326.7 NMAC	ADULT PROTECTIVE SERVICES CASE MANAGEMENT
8.326.8 NMAC	CASE MANAGEMENT SERVICES FOR CHILDREN PROVIDED BY JUVENILE PROBATION AND PAROLE OFFICERS

8.326.10 NMAC	TRAUMATIC BRAIN INJURY TRUST FUND PROGRAM
8.350.2 NMAC	RECONSIDERATION OF UTILIZATION REVIEW DECISIONS
8.350.3 NMAC	ABSTRACT SUBMISSION FOR LEVEL OF CARE DETERMINATIONS
8.350.4 NMAC	RECONSIDERATION OF AUDIT SETTLEMENTS
8.351.2 NMAC	SANCTIONS AND REMEDIES
8.352.2 NMAC	CLAIMANT HEARINGS
8.352.3 NMAC	PROVIDER HEARINGS
8.354.2 NMAC	PASRR AND PATIENT STATUS HEARINGS