

NOTICE OF PROPOSED RULEMAKING

The New Mexico Workers' Compensation Administration ("WCA") will conduct an in-person public hearing on the adoption of new WCA Rules on:

Friday, October 18, 2024, 1:30 p.m., Workers' Compensation Administration, 2410 Centre Avenue SE, Albuquerque, NM 87106.

A copy of the proposed changes may be found on the WCA website at: <http://www.workerscomp.nm.gov/>. For a copy by e-mail, contact the WCA General Counsel Office at gc.clerk@state.nm.us. For a copy by mail, please submit a self-addressed, stamped envelope with your request to WCA General Counsel Office, 2410 Centre Ave. SE, Albuquerque, NM 87106. Comments should be sent to WCA General Counsel Office, 2410 Centre Ave. SE, Albuquerque, NM 87106 or gc.clerk@state.nm.us.

Comments may be made at the public hearing and written comments will be accepted until 5:00pm on November 1, 2024. The Director will take all comments into consideration.

Purpose and summary of the Proposed Rule:

The WCA is proposing to amend its rules regarding Part 2, Data Reporting and Safety Requirements (minor/technical changes only); Part 3, Payment of Claims, Post-Accident Drug and Alcohol Testing, and Conduct of Parties (timing requirement added regarding employer's communicating to worker denial of claim, increasing mileage benefits for travel to medical appointments, limiting WCA medical authorization form to 10 years absent court order); Part 4, Claims Resolution (adding concept of limited independent medical exam, providing hearing procedures for disputes, providing time limits on depositions, adding sanction authority for unreasonable conduct during deposition, granting authority for judge to require language translation of written discovery, adding new provision on court security); Part 7, Payments for Health Care Services (imposing late payment charge on payors who miss 30-day deadline to pay or deny a provider's medical bill, including permissible grounds to deny payment of a medical bill by reference to the WCA fee schedule, clarifying allowable reimbursements for health care provider dispensed prescriptions, raising permitted deposition charges for health care providers); Part 11, Proof of Coverage (new provision conforming rule to existing practice of allowing proof of coverage electronic transmission to WCA vendor).

All proposed rules will take effect January 1, 2025.

The Director of the WCA has authority to adopt reasonable rules pursuant to Section 52-5-4 NMSA 1978 (2003).

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aide or service to attend or attend or participate in the hearing or meetings, please contact the General Counsel Office at gc.clerk@state.nm.us. Or you may inquire about assistance through the New Mexico relay network at 1-800-659-1779 or <https://sharenm.org/relay-new-mexico>.