

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of rule 7.29.5 NMAC, "Certification of Community Health Workers." The hearing will be held on Friday, April 25, 2025 at 9:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the proposed repeal and replacement of the rule will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment.

The Department proposes to repeal and replace the entirety of rule 7.29.5 NMAC, to incorporate various new and modified provisions, including but not limited to provisions concerning:

- Definitions (section 7);
- The Board of Certification of Community Health Workers, including standards for Board membership, meetings, and duties and responsibilities of the Board (section 8);
- The NM Registry of Community Health Workers (section 9);
- Certification and recertification requirements for Community Health Workers, including but not limited to the application process and application requirements, certification levels, requirements for reinstatement after lapse, suspension, or revocation; grounds for disapproval; fees; and prohibitions against unauthorized training and unauthorized practice (section 10);
- Criminal history screening requirements (section 11);
- Requirements for Department endorsement of persons who wish to conduct CHW trainings (section 12);
- Requirements for Department approval of CHW continuing education programs (section 13);
- Standards for the CHW Certification Review Committee, including but not limited to grounds for denial, suspension, revocation, or other adverse action against a certificate, and standards concerning Committee review of criminal history screening results (section 14);
- Hearing process for appeals of decisions, including but not limited to standards concerning the right to appeal, notice of hearing, admissible evidence, burden of proof, legal representation, hearing officer duties, and the decision of the Department (section 15);
- Standards for reinstatement of a suspended or revoked certificate (section 15); and
- Standards concerning inspection of records (section 16).

The purpose of the proposed repeal and replacement of 7.29.5 NMAC is to implement the Community Health Workers Act, sections 24-30-1 through -7, which requires the Department of Health to adopt and promulgate rules concerning the Community Health Workers Program.

The legal authority authorizing the proposed repeal and replacement of the rule by the Department is at the Department of Health Act, Subsection E of Section 9-7-6 NMSA 1978, which authorizes the secretary of the department of health to "...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions,"; and the Community Health Workers Act, Sections 24-30-3, which authorizes the department to adopt rules to establish and administer a voluntary program for the certification of community health workers.

A free copy of the full text of the proposed repeal and replacement can be obtained online from the New Mexico Department of Health's website at <http://nmhealth.org/about/asd/cmo/rules/> or by contacting the Department using the contact information below.

The public hearing will be conducted to receive public comment on the proposed repeal and replacement. Any interested member of the public may attend the hearing and may submit data, views, or arguments on the proposed rule either orally or in writing during the hearing.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 268 152 498 095 and passcode 9tT269Eb and then click the "Join a meeting" button.

To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 222372442#.

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Stephanie Lopez at stephanie.lopez@doh.nm.gov, or U.S. postal mail to the following address:

Stephanie Lopez
NMDOH OGC
P.O. Box 26110
1190 St. Francis Dr., Suite N-4095
Santa Fe, NM 87502-6110

Written comments must be received by the close of the public rule hearing on April 25, 2025. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Stephanie Lopez by telephone at (505) 690-3689. The Department requests at least ten (10) days' advance notice to provide special accommodation.