

NOTICE OF EMERGENCY RULEMAKING

The Health Care Authority (HCA) Income Support Division (ISD) will implement a temporary emergency rule starting May 1, 2025.

On March 21, 2025, a Federal Register was issued by the Department of Health and Human Services (HHS) Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR), Notice of change of Eligibility. In accordance with ORR regulations, the Director of ORR is announcing the shortening of the shortening of the Refugee Cash Assistance (RCA) eligibility from 12 months to four months of assistance for participants who become eligible for ORR benefits 45 days after publication. ORR determined that it must shorten the RCA eligibility period to four months to avoid a significant budget shortfall. Due to this short timeframe of notification to the time the rule must be implemented, there is insufficient time to complete the standard rulemaking process. Therefore, this emergency rule is necessary to ensure compliance with federal regulations. Failing to implement these changes by May 1, 2025, would result in the HCA being out of compliance with federal law. HCA will follow standard rulemaking process after emergency rule is effective to ensure compliance with the rule making process.

The emergency rule changes to the New Mexico Administration Code (NMAC) will be to 8.119.100 NMAC, 8.119.410 NMAC. The language update will align with 45 CFR 400.211 eCFR :: 45 CFR 400.211 -- Methodology to be used to determine time-eligibility of refugees. and eCFR :: 45 CFR Part 400 -- Refugee Resettlement Program. Regulations issued pursuant to the act are contained in 45 CFR parts 400. Administration of HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983). The Authority promulgate these emergency rules and make them effective no later than May 1, 2025, to maintain compliance with Federal law. The emergency rulemaking process is necessary to avoid HCA in violation of Federal law.

The emergency rule will remain in effect until a permanent rule is established through the standard rulemaking process.

The Health Care Authority Register Vol. 48 No. 12 outlining the temporary emergency regulations is available on the HCA's website at: Income Support Division Registers - New Mexico Health Care Authority.