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State of New Mexico
Health Care Authority
Human Services Register

HEALTH CARE AUTHORITY

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY (HCA)

II. SUBJECT

8.369.3 CERTIFICATION REQUIREMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH SERVICES

III. PROGRAM AFFECTED

HEALTH FACILITY LICENSING AND CERTIFICTAION
(DIVISION OF HEALTH IMPROVEMENT)

IV. ACTION

PROPOSED RULE

V. BACKGROUND SUMMARY

The Health Care Authority (HCA) through the Division of Health Improvement, via the New Mexico Human Services Registry Volume 49, number 43, and through the New Mexico Registry Volume XXXVII, Issue 21 is proposing amendments to rules 8.369.3 NMAC Certification Requirements for Child and Adolescent Mental Health Services. This policy applies to all child and adolescent behavioral health programs described herein.

Section 9-8-6 NMSA 1978, authorizes the HCA Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the HCA and its divisions.

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Specifically, the changes include: 8.369.3 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements, correcting statutory authority to include health care code, updating effective date, aligning definitions with health care authority standards including removing outdated definitions and adding and clarifying new definitions, removing outdated regulation and including additional related regulation, updating certification requirements, updating outdated citation and replacing it with the correct health care code, clarifying HCA as the licensing authority, updating sanctions to reflect HCA licensing, clarifying imposition of sanctions, clarifying HCA hearings and appeals process, including waivers and variances processes, updating section title to clarify survey and monitoring visits expectations, clarifying CYFD's background check unit processes, clarifying personnel requirements, updating reporting of incidents and provider expectations, removing unnecessary language, updating documentation requirements, removing day treatment service licensure clarifying day treatment services require certification, updated NMAC citation, removing unnecessary language, clarifying calendar days and language, removing therapeutic hold language, updating personal restraint and seclusion expectations, updating prn orders, clarifying personal restraint in non-accredited residential treatment services, updating documentation notification requirements, clarifying prn medication, self-administration, documentation, and verification of prescription orders and individuals through two unique identifiers, aligning CCSS certification expectations, clarifying day treatment services, clinical supervision and clinical services, updating treatment foster care services expectations, requirements, supervision, correcting outdated accrediting body as well as substance use disorder language, and aligning HCA corrective action expectations.

VI. RULES

These proposed rules will be contained in 8.369.3 NMAC. This register and the proposed changes are available on the HCA website at: https://www.hca.nm.gov/dhi-regulations/. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting the Division of Health Improvement, PO Box H, Santa Fe, NM 87504, or by calling 505-819-7679.

VII. EFFECTIVE DATE

The HCA proposes to implement these rules effective December 22, 2026.

VIII. PUBLIC HEARING

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A public hearing to receive testimony on this proposed rule will be held on December 4, 2026. The hearing will be held at the Health Care Authority, Administrative Services Division (ASD), 1474 Rodeo Rd. Santa Fe, NM 87505, and also via Microsoft Teams:

https://teams.microsoft.com/meet/264464672413240?p=NmAE4nP3a4NTDOgyzL
Meeting ID: 264 464 672 413 240
Passcode: TV3Y7ds3

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 the Division of Health Improvement at 505-819-7679. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling (505) 827-3184. The HCA requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Division of Health Improvement upon request by providing copies directly to a requestor or by making them available on the HCA website or at a location within the county of the requestor.

IX. ADDRESS

Interested persons may address written comments to:

Health Care Authority
ATTN: Division of Health Improvement
P.O. Box H
Santa Fe, NM 87504

Recorded comments may be left at (505) 479-9093. Interested persons may also address comments via electronic mail to: HCA-DHI-Public-Comment@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MST on December 3, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

X. PUBLICATION

Publication of these rules approved by:

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DocuSigned by:
Kari Armijo 10/27/2026
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Kari Armijo, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY