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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

8.369.4 LICENSING REQUIREMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH FACILITIES

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 44, and through the New Mexico Registry Volume XXXVII, Issue 21 is proposing amendments to rules 8.369.4 NMAC Licensing Requirements for Child and Adolescent Mental Health Facilities. These regulations apply to public, profit or nonprofit residential treatment facilities providing services as outlined by these regulations, and any facility providing services as outlined by these regulations which by federal regulation must be licensed by the state of New Mexico.

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 the following: 8.369.4 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements, clarifying scope and statutory authority, updating and clarifying all definitions, updating related regulations laws and codes, clarifying licensing procedures, updating sections to align with HCA processes including waivers and variances, capacity of facility, grounds for revocation, suspension of license, denial of initial or renewal application, suspension revocation emergency sanctions, hearing and appeals, surveys and monitoring visits, corrective action, and reporting of incidents; adding children's rights language, clarifying staff records and policies and procedures, updating outdoor play area expectations, clarifying transportation expectations and management of pharmaceuticals, updating and clarifying pets, medical care, and nutrition, updating building requirements for residential treatment facilities, clarifying and updating fire safety clearance, inspections, and safety, detection and response.

VI. RULES

These proposed rules will be contained in 8.369.4 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

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

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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:

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