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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

8.369.2 REGULATIONS GOVERNING RESIDENTIAL SHELTER CARE FACILITIES FOR CHILDREN

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 42, and through the New Mexico Registry Volume XXXVII, Issue 21 is proposing to repeal/replace rule 8.369.2 NMAC Regulations Governing Residential Shelter Care Facilities for Children. These regulations apply to public, profit or nonprofit home health agencies 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 to obtain or maintain full or partial, permanent or temporary federal funding.

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

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and its divisions.

Specifically, the changes include: 8.369.2 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements, updating the scope of children's crisis shelters multi-service homes, new or innovative programs and removing oversight of community homes, updating the statutory authority from the Department of Health to the Health Care Authority, updating and aligning definitions related to residential shelter and mental health services and facilities for children, removing outdated related regulations, laws and codes, and updating associated laws and codes, identifying types of facilities and scope of services, removing outdated licensure procedures, creating general licensing requirements, adding waivers and variances, updating incorrect citations throughout the rule, updating grounds for revocation, suspension, or denial of initial or renewal of license, or the imposition of sanctions, or civil monetary penalties, correcting hearings and appeals, adding a new corrective action section, updating reporting of incidents, adding a new section related to survey or monitoring visits, clarifying reports and records required, clarifying facility rules, adding children's rights language, updating personnel and staffing requirements, updating staff evaluation and development, clarifying direct service staff/child ratio, updating staff records and policies and procedures, clarifying children's rooms, beds, cribs, and highchairs, updating the pets section, updating medical care, updating nutrition, clarifying building requirements, updating fire safety clearances and inspections, fire detection and response systems, and removing all references and regulations governing community homes.

VI. RULES

These proposed rules will be contained in 8.369.2 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
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10/23/2026

Kari Armijo, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY