



State of New Mexico Health Care Authority **Human Services Register**



HEALTH CARE
AUTHORITY

I. DEPARTMENT NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT 8.312.2 NMAC, LONG TERM CARE SERVICES – NURSING SERVICES, NURSING FACILITIES

III. PROGRAM AFFECTED (TITLE XIX) MEDICAID

IV. ACTION EMERGENCY RULE

V. BACKGROUND SUMMARY

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), has filed an emergency amendment to the New Mexico Administrative Code (NMAC) rule 8.312.2 NMAC, *Long Term Care Services – Nursing Services, Nursing Facilities*. The New Mexico Health Care Authority (HCA), Medical Assistance Division (MAD) received approval from the Centers for Medicare & Medicaid Services (CMS) to implement per diem add-on rate for Ventilator Services provided in long-term and skilled nursing facilities in New Mexico authorized under State Plan Amendment (SPA) 21-0012, Nursing Facility (NF) Ventilator Services. The services enable Medicaid recipients to remain in New Mexico, reduce out-of-state family travel burden and allow for better member care coordination. The amendments to the rule allow per diem add-on costs of providing all-inclusive skilled nursing care services to the ventilator dependent resident.

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

Notice Date: March 25, 2025

Adoption Date: March 1, 2025

Technical Citations: State Plan Amendment (SPA) 21-0012, Nursing Facility (NF) Ventilator Services

The HCA has amended the rule as follows:

Paragraph C of 8.312.2.7 has been amended to update the language of “DOH DDSD” to “HCA DDSD”.

8.312.2.8 has been amended to include the Departments current mission statement.

Paragraph C of 8.312.2.13 has been amended to implement the per diem add-on covered services for providing all-inclusive skilled nursing care services to the ventilator dependent resident.

Throughout the NMAC amendments have been made to change HSD to HCA and changes have been made to align with formatting requirements.

VI. RULE

These emergency rule changes will be contained in 8.312.2 NMAC. This emergency register and the rule are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/>. If you do not have internet access, a copy of the emergency register and rule may be requested by contacting MAD at (505) 827-1337.

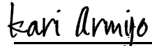
VII. EFFECTIVE DATE

This rule is effective March 1, 2025.

VIII. PUBLICATION

Publication of this rule approved by:

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KARI ARMIJO, SECRETARY

NEW MEXICO HEALTH CARE AUTHORITY