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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
PROPOSED RULE

V. BACKGROUND SUMMARY
The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule *8.312.2 NMAC, Long Term Care Services – Nursing Services, Nursing Facilities*. The Department is re-promulgating these sections of the rules in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

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
Hearing Date: April 24, 2025
Adoption Date: August 1, 2025
Technical Citations: State Plan Amendment (SPA) 21-0012, Nursing Facility (NF) Ventilator Services

The HCA is proposing the following amendments:
HCA/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.

Additional amendments to the NMAC include:

1. Section 7 is amended to update the language of “DOH DDSD” to “HCA DDSD”.

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2. Section 8 is amended to include the Departments current Mission Statement.

3. Updated HSD to HCA throughout the NMAC.

4. Throughout the NMAC changes have been made to align with formatting requirements.

VI. RULE

These proposed rule changes will be contained in 8.312.2 NMAC. This register and the proposed rule are available on the HCA website at: https://www.hca.nm.gov/lookingforinformation/registers/ and https://www.hca.nm.gov/comment-period-open-2025/. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

VII. EFFECTIVE DATE

The Health Care Authority proposes implementing this rule effective August 1, 2025.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on April 24, 2025, at 9:30am. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting
Join the meeting now
Meeting ID: 266 823 212 501
Passcode: gR2PV9Cb

Dial in by phone
+1 505-312-4308,,874382682# United States, Albuquerque
Find a local number
Phone conference ID: 874 382 682#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

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

IX. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority
Office of the Secretary
ATTN: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on April 24, 2025**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at

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https://www.hca.nm.gov/lookingforinformation/registers/ and https://www.hca.nm.gov/comment-period-open-2025/ along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

X. PUBLICATION

Publication of this rule approved by:

DocuSigned by:
Kari Armijo
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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY