

**NMAC**

**Transmittal Form**



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Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action: New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐ (ALD Use) Recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):  Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes ☐ No ☒ Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes ☐ No ☐ Public domain ☐

**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

## Concise Explanatory Statement For Rulemaking Adoption:

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### Findings required for rulemaking adoption:

2026 AUG -5 PM 3:42

#### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

A public hearing was held on March 12, 2026, to receive public comments on this proposed NMAC. No comments were received regarding the proposed changes. The NMAC is being implemented as proposed.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Kari Armijo

Check if authority has been delegated

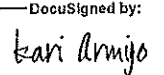
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Title:

Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:  
  
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8/4/2026

This is an amendment to 8.370.3 NMAC, Sections 1, 10 and 14, effective 9/1/2026.

**8.370.3.1 ISSUING AGENCY:** New Mexico health care authority (HCA), division of health improvement, health facility licensing and certification bureau.  
[8.370.3.1 NMAC - Rp, 8.370.3.1 NMAC, 01/28/2025; A, 9/1/2026]

**8.370.3.10 LICENSURE FEE SCHEDULE:** Rates shall be charged, as indicated in the fee schedule shown in this section, upon initial and renewal application for an annual license and prior to issuance of a second temporary license. The fee for the first temporary license is included in the initial application fee. This rule applies to both initial and renewal of health facility licenses.

**A. Hospitals:** general hospitals, limited hospitals, children's psychiatric hospitals, special hospitals to include orthopedic, children's, psychiatric, alcohol & drug abuse treatment, rehabilitation, and other special hospital as identified;

| Facility Types:   | Rate Per License | Term limit |
|-------------------|------------------|------------|
| Hospital bed rate | \$12.00 per bed  | Annually   |

**B. Assisted living facilities:**

| Facility Types:                      | Rate Per License | Term limit |
|--------------------------------------|------------------|------------|
| Assisted living base assessment rate | \$300.00         | Annually   |

**C. Long-term care facilities:**

| Facility Types:                                                                                 | Rate Per License |
|-------------------------------------------------------------------------------------------------|------------------|
| skilled nursing facilities                                                                      | \$12.00 per bed  |
| intermediate care facilities                                                                    | \$12.00 per bed  |
| intermediate care facilities for [mentally-retarded] individuals with intellectual disabilities | \$12.00 per bed  |

**D. Outpatient health facilities:**

| Facility Types:                                         | Rate Per License |
|---------------------------------------------------------|------------------|
| Health facilities providing outpatient medical services | \$300.00         |
| community mental health centers                         | \$300.00         |
| free standing hospice                                   | \$300.00         |
| home health agency                                      | \$300.00         |
| diagnostic and treatment center                         | \$300.00         |
| limited diagnostic and treatment center                 | \$300.00         |
| rural health clinic                                     | \$300.00         |
| Infirmity                                               | \$300.00         |
| new or innovative clinic                                | \$300.00         |
| ambulatory surgical center                              | \$300.00         |

**E. Other health facilities:**

| Facility Types:                                           | Rate Per License                    |
|-----------------------------------------------------------|-------------------------------------|
| Facilities providing services for end stage renal disease | \$300.00                            |
| services for end state renal disease                      | \$300.00                            |
| renal transplantation center                              | \$300.00                            |
| renal dialysis center                                     | \$300.00                            |
| renal dialysis facility                                   | \$300.00                            |
| self dialysis unit                                        | \$300.00                            |
| special purpose renal dialysis facility                   | \$300.00                            |
| In home and inpatient hospice care                        | \$300.00                            |
| Home health agencies                                      | \$300.00                            |
| Rural emergency hospital                                  | \$300.00                            |
| Freestanding birth centers                                | \$300.00                            |
| Adult accredited residential treatment center             | \$600.00 bi-annually + \$25 per bed |
| Boarding homes:                                           | \$300.00                            |

**F. Adult Day Care:** Facilities providing adult day care and services for less than 24 hours a day for three or more clients in accordance with 8.370.20 NMAC

| Facility Types: | Rate Per License |
|-----------------|------------------|
|-----------------|------------------|

Adult day care facilities

\$300.00

[8.370.3.10 NMAC - Rp, 8.370.3.10 NMAC, 1/28/2025; A, 9/1/2026]

2026 AUG -5 PM 3:42

**8.370.3.14 RELATED REGULATIONS:** The following is a list of regulations regarding licensure of health facilities within the jurisdiction of the licensing authority.

A. Requirements for acute care, limited services and special hospitals, New Mexico health care authority, 8.370.12 NMAC.

B. Requirements for long term care facilities, New Mexico health care authority, 8.370.16 NMAC.

C. Requirements for facilities providing outpatient medical services and infirmaries, New Mexico health care authority, 8.370.18 NMAC.

D. Requirements for in-home and inpatient hospice care, New Mexico health care authority, 8.370.19 NMAC.

E. Requirements for adult day care facilities, New Mexico health care authority, 8.370.20 NMAC.

F. Requirements for intermediate care facilities for ~~the mentally retarded~~ individuals with intellectual disabilities, New Mexico health care authority, 8.371.2 NMAC.

G. Requirements for end stage renal disease facilities, New Mexico health care authority, 8.370.24 NMAC.

H. Requirements for assisted living facilities for Adults, New Mexico health care authority, 8.370.14 NMAC.

I. Requirements for home health agencies, New Mexico health care authority, 8.370.22 NMAC.

J. Requirements for rural emergency hospitals, New Mexico health care authority, 8.370.13 NMAC.

K. Requirements for boarding homes, New Mexico health care authority, 8.370.15 NMAC.

L. Requirements for clinical laboratory improvement amendments, 42 CFR, Part 493, New Mexico health care authority.

M. Requirements for community mental health centers, New Mexico health care authority, 8.321.6 NMAC.

N. Requirements for freestanding birth centers, New Mexico health care authority, 8.370.17 NMAC.

O. crisis triage centers, New Mexico health care authority, 8.321.11 NMAC.

[8.370.3.14 NMAC - Rp, 8.370.3.14 NMAC, 1/28/2025; A, 9/1/2026]