



SENT VIA EMAIL

September 9, 2026

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

Sent to HCA-madrules@hca.nm.gov

Re: Proposed Rule 8.296.400 NMAC – Medicaid Eligibility – Other Adults: Recipient Requirements

Dear Secretary Armijo, Director Dancis, and colleagues,

On behalf of our 48 New Mexico hospital members, we appreciate the opportunity to comment on the agency's proposed rule 8.296.400 NMAC implementing portions of the Working Families Tax Cut.

Our comment is technical in nature and raises a question about the use of a phrase that is not found in state law or regulations or in the Code of Federal Regulations. We bring this to your attention to ensure the agency's intention is realized in the final rule.

The language in question is found on page seven of the 8.296.400 NMAC proposed rule, specifically in subsection 8.296.400.10(I)(3)(a)(ii):

“(ii) Other services of similar acuity including: Inpatient services furnished in a critical access hospital, inpatient services furnished in an emergency hospital, inpatient services furnished an institution for mental diseases...” [emphasis added]

“Emergency hospital” is not a hospital type in federal or state law. Based on the use of “critical access hospital” in this section, the intent may have been to specify a *rural emergency hospital*, which is a specific hospital type, with its own designation in both state and federal law. If *rural emergency hospital* was not what was intended here, we suggest removing the reference to *emergency hospital* in its entirety as it does have an applicable meaning and the language in the subsection above (subsection i) captures all hospital inpatient services, regardless of hospital type.

Please reach out if we can provide additional information or answer any questions

Thank you,

A handwritten signature in purple ink, appearing to read 'Troy Clark'.

Troy Clark
President and CEO