



May 9, 2024

**Via electronic mail to:**

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
HSD-madrules@hsd.nm.gov

**RE: New Mexico Administrative Code rule 8.325.12, Medication Assisted Treatment Services in Correctional Settings**

Dear Madam Secretary Armijo:

The ACLU of New Mexico (“ACLU”) supports the passage and implementation of the above-referenced proposed regulation and is grateful to the individuals responsible for the work that went into creating them. Medication assisted treatment services will provide life-saving medical care that individuals with Opioid Use Disorder in New Mexico’s prisons have desperately needed for years. Providing such medications will give incarcerated individuals a better chance at rehabilitation, independence, and a decreased likelihood of relapse once they are released from prison.

The ACLU strongly encourages the New Mexico Human Services Department (“HSD”) to effectuate these rules as soon as possible. Pursuant to NMSA 1978 § 24-1-5.11(B), HSD was to have promulgated these rules by December 1, 2023. That date passed without promulgation and it wasn’t until April 9, 2024 that the notice of proposed rules was posted in the Human Services Register. The effective date in the proposed rule is not until September 1, 2024. It is unclear why that date is so far in the future. Incarcerated individuals in New Mexico’s prisons are struggling with opioid use disorder **right now**, and we believe that getting this life-saving medication to them without delay has the ability to prevent substance-related deaths or overdoses. We encourage the HSD to amend the proposed rules to include an effective date that is soon after the closure of the notice and comment period.

We look forward to the implementation of this new rule because it fills a large medical gap in our incarceration system. If you have any questions about our suggestions, please feel free to contact me.

Sincerely,

Maria Martinez Sanchez  
Legal Director  
ACLU of New Mexico