



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



HEALTH CARE  
AUTHORITY

## **I. DEPARTMENT**

NEW MEXICO HEALTH CARE AUTHORITY

## **II. SUBJECT**

8.281.510 NMAC, 8.313.3. NMAC, 8.326.2 NMAC,  
8.350.4 NMAC, 8.370.3 NMAC, 8.370.4 NMAC,  
8.370.9 NMAC, 8.370.16 NMAC,  
8.371.2 NMAC, AND 8.371.9 NMAC

## **III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

## **IV. ACTION**

FINAL RULES

## **V. BACKGROUND SUMMARY**

The New Mexico Health Care Authority (HCA) Register Volume 49, Register 5, dated February 9, 2026, issued the proposed New Mexico Administrative Code (NMAC) rules 8.281.510 NMAC, *Medicaid Eligibility – Institutional Care (Categories 081, 083, and 084), Trust Standard*, 8.313.3 NMAC, *Long Term Care Services – Intermediate Care Facilities, Cost Related Reimbursement of ICF-MR Facilities*, 8.326.2 NMAC, *Case Management Services, Case Management Services for Adults with Developmental Disabilities*, 8.350.4 NMAC, *Reconsideration of Utilization Review, Reconsideration of Audit Settlements*, 8.370.3 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Health Facility Licensure Fees and Procedures*, 8.370.4 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Health Facility Sanctions and Civil Monetary Penalties*, 8.370.9 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Incident Reporting, Intake, Processing, and Training Requirements*, 8.370.16 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Requirements for Long Term Care Facilities*, 8.371.2 NMAC, *Developmental Disabilities, Requirements for Intermediate Care Facilities for the Mentally Retarded*, and 8.371.9 NMAC, *Developmental Disabilities, Admission, Discharge, and Transfer of Eligible Recipients for Services in ICF-MR Facilities*.

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: February 10, 2026

Hearing Date: March 12, 2026

Adoption Date: September 1, 2026

Technical Citations: Section 9-8-6 NMSA 1978

A public hearing was held on March 12, 2026, to receive public comments and testimony on this proposed rule. The Health Care Authority received one comment. This rule is being implemented as proposed.

**Comment:** Commenter recommends updating NMAC 8.370.16 and 8.371.2 to reflect current professional standards and federal guidelines. Specifically, they propose revising the definition of “dietitian” to align with the New Mexico Nutrition and Dietetics Practice Act and the Academy of Nutrition and Dietetics. They also suggest replacing the term “physician” in diet-ordering sections with “physician, nurse practitioner, or physician’s assistant,” and allowing licensed dietitians, when delegated by authorized medical providers, to prescribe therapeutic diets.

**Department:** This is not within the scope of this rule promulgation; however, the HCA will review this comment for consideration in future revisions.

## VI. RULE

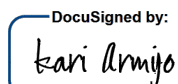
These amendments will be contained in 8.281.510, 8.313.3, 8.326.2, 8.350.4, 8.370.3, 8.370.4, 8.370.9, 8.370.16, 8.371.2, and 8.371.9 NMAC. The final register and rule language is available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/providers/rules-nm-administrative-code/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting the Medical Assistance Division at (505) 827-1337.

## VII. EFFECTIVE DATE

These rules will have an effective date of September 1, 2026.

## VIII. PUBLICATION

Publication of these rules are approved by:

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 8/4/2026  
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KARI ARMIJO, SECRETARY  
HEALTH CARE AUTHORITY