



State of New Mexico
Health Care Authority
Register

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT

REPEAL AND REPLACEMENT OF HSD RULES TO ALIGN WITH HUMAN SERVICES
DEPARTMENT (HSD) TRANSITION TO THE HEALTH CARE AUTHORITY

III. PROGRAM AFFECTED

ALL HSD PROGRAMS

IV. ACTION

FINAL RULE REPEALS AND REPLACEMENTS

V. BACKGROUND SUMMARY

The New Mexico Health Care Authority Income Support Division is finalizing repeal and replacement of regulations that were proposed in Human Services Register (HSR) Vol. 47 No. 13. By statute, the Department did become the New Mexico Health Care Authority (HCA) on July 1, 2024. The Department proposed repealing and replacing the rules listed at the end of this notice to bring the New Mexico Administrative Code (NMAC) into full alignment with this change.

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.

VI. CONCISE EXPLANATORY STATEMENT

The hearing for these rules was held on June 7, 2024. Matt Ortiz of the State Records Center and Archives (SRCA) provided a statement that requested HSD to enter a finding that SRCA staff may make non-substantive, style changes to the rules and that such changes be within the scope of the rulemaking. HSD so finds and SRCA is authorized to make such changes.

The hearing officer read the following statement into the record, explaining that during the process of updating the rules the Department made some additional style and formatting updates to the rules:

Consistent with all other rules converted from the Human Services Department to the Health Care Authority, throughout this rule, if found: “department” is changed to “authority” or “HCA”; “HSD” is changed to “HCA” and that acronym is generally first introduced in the third section of the rule; “alien” is changed to “non-citizen”; “child support enforcement division” is changed to “child support services division”; “CSED” is changed to “CSSD”; and style and formatting have been updated to conform with current NM State Records Center guidelines.

No other public comment was received.

A set of 10 rules were not submitted to the NM Register in time to be published in Issue 12 along with the bulk of the rules being changed. Those 10 rules are listed here, with a new effective date of July 16, 2024. Therefore, these rules are repealed, and new versions are adopted as proposed.

VII. RULE

The final register and rule language is available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/register/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting HSD Office of the Secretary at (505) 827-7750.

VIII. PUBLICATION DATE

July 16, 2024

IX. EFFECTIVE DATE

July 16, 2024.

X. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:
 7/14/2024
KARI ARMIJO, SECRETARY
HEALTH CARE AUTHORITY

HSD Rules Repealed and Replaced

| Rule number | Rule name |
|--------------------|---|
| 8.119.520 NMAC | ELIGIBILITY POLICY – INCOME |
| 8.139.100 NMAC | GENERAL PROVISIONS FOR THE FOOD STAMP PROGRAM |
| 8.139.110 NMAC | GENERAL ADMINISTRATION – APPLICATION PROCESSING |
| 8.139.120 NMAC | CASE ADMINISTRATION – CASE MANAGEMENT |
| 8.139.400 NMAC | RECIPIENT POLICY – WHO CAN BE A RECIPIENT |
| 8.139.420 NMAC | RECIPIENT REQUIREMENTS – SPECIAL HOUSEHOLDS |
| 8.139.500 NMAC | FINANCIAL ELIGIBILITY – NEED DETERMINATION |
| 8.139.510 NMAC | ELIGIBILITY POLICY – RESOURCES AND PROPERTY |
| 8.139.610 NMAC | PROGRAM BENEFITS – ISSUANCE AND RECEIPT |
| 8.139.647 NMAC | FOOD STAMP PROGRAM – ADMINISTRATIVE DISQUALIFICATION PROCEDURES |