



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

## **I. DEPARTMENT**

NEW MEXICO HEALTH CARE AUTHORITY

## **II. SUBJECT**

8.102.461 SOCIAL SERVICES-CASH ASSISTANCE PROGRAMS- WORK PROGRAM  
ACTIVITIES

## **III. PROGRAM AFFECTED**

CASH ASSISTANCE PROGRAM

## **IV. ACTION**

PROPOSED AMENDMENTS

## **V. BACKGROUND SUMMARY**

The Health Care Authority (HCA) Income Support Division (ISD) is proposing amendments to 8.102.461 NMAC:

### **Section 3:**

- Removing the word “department” from subsection A.
- No other language in section 3 is under review at this time.

### **Section 10:**

- adding subsection D: Nondisplacement safeguards:
  - (1) An adult taking part in a work activity outlined in 45 CFR 261.30 may not fill a vacant employment position if:
    - (a) Another individual is on layoff from the same or any substantially equivalent job; or
    - (b) The employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with an adult taking part in a work activity.

(2) ISD will establish a procedure, maintain, and track the grievance procedure for complaints of alleged violations.

(3) This section does not preempt or supersede State or local laws providing greater protection for employees from displacement.

- No other language in section 10 is under review at this time.

#### **Section 14:**

- Removing HSD and replacing it with HCA
- No other language in section 14 is under review at this time.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations necessary to carry out the duties of the Authority and its divisions.

### **VI. CONCISE EXPLANATORY STATEMENT**

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Authority must promulgate these rules and make them effective no later than December 1, 2025, to be in compliance with Federal law.

### **VII. RULE**

The register and rule language is available on the HCA website at:

[Income Support Division Registers - New Mexico Health Care Authority](#) .

If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

### **VIII. PUBLICATION DATE**

July 29, 2025

### **IX. EFFECTIVE DATE**

The Authority is proposing to implement these rules effective December 1, 2025

### **X. PUBLIC HEARING**

A hybrid public hearing to receive testimony on this proposed rule will be held, pursuant to Section 14-4-5.6 NMSA 1978, on Thursday August 28, 2025, 11:00 a.m. – 12:00 pm. You may join in person, virtually, or by phone.

#### **You may join in person at:**

HCA Income Support Division, Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144.

**You may join virtually from your computer, tablet or smartphone:**

**Microsoft Teams [Need help?](#)**

Get the app now and be ready when your first meeting starts: [Join the meeting now](#)

**Meeting ID: 259 647 897 972**

**Passcode: vq6dD7EP**

**Dial in by phone**

[+1 505-312-4308,,212462035#](#) United States, Albuquerque

[\(888\) 506-1357,,212462035#](#) United States (Toll-free)

[Find a local number](#) Phone conference ID: 212 462 035#

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

- Drop of at HCA Income Support Division, Sandoval County Office Attn: Monica Pineda at 4363 Jager Dr NE, Rio Rancho NM 8714
- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailed electronically to: [HCA-isdrules@hca.nm.gov](mailto:HCA-isdrules@hca.nm.gov).

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, August 28, 2025. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

All written comments will be posted on the agency website within 3 days of receipt.

## **XI. PUBLICATION**

Publication of this rule is approved by:

DocuSigned by:  
  
1BA9EB5EAD00499

KARI ARMIJO, SECRETARY  
NEW MEXICO HEALTH CARE AUTHORITY

**This is an amendment to 8.102.461 NMAC, Section 3, 10 and 14 effective 12/1/2025.**

**8.102.461.3 STATUTORY AUTHORITY:**

**A.** New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.

**B.** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 created the temporary assistance for needy families (TANF) block grant under Title IV of the Social Security Act. Through the New Mexico Works Act of 1998, NMSA 1978, Section 27-2B-1 et seq., the New Mexico works program was created.

**C.** In coordination with the NMW program, the [department] health care authority administers the food stamp employment and training program (E&T) pursuant to the Food Security Act of 1985 and federal regulations at Title 7, Code of Federal Regulations.

**D.** Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.

[8.102.461.3 NMAC - N, 04/01/2012; A, 7/1/2024; A, 12/1/2025]

**8.102.461.10 WORK ACTIVITIES - CORE AND NON-CORE:**

**A. Core work activities:** Core activities are allowable for a participant to meet the standard work participation requirement hours for a single or two parent household or to meet the minimum standard work participation requirement hours as defined at 8.102.460.14 NMAC. For purposes of meeting the participant's standard work participation requirement hours core work activities are defined in 8.102.461.11 NMAC thru 8.102.461.19 NMAC.

**B. Non-core work activities:** Non-core activities are allowable for a participant to address barriers or to meet the work requirement hours. A non-core activity may include, but is not limited to, an activity as defined in 8.102.461.20 NMAC thru 8.102.461.22 NMAC.

**C. Limited participation status:** Participants with limited participation status shall participate in the qualified activities best suited to their abilities as listed on their work participation agreement. The activities will be based upon the participant's individual circumstances as per 8.102.420.15 NMAC.

**D. Nondisplacement safeguards:**

**(1)** An adult taking part in a work activity outlined in 45 CFR 261.30 may not fill a vacant employment position if:

**(a)** Another individual is on layoff from the same or any substantially equivalent job; or

**(b)** The employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with an adult taking part in a work activity.

**(2)** A state must establish and maintain a grievance procedure to resolve complaints of alleged violations of the displacement rule in this section.

**(3)** This section does not preempt or supersede state or local laws providing greater protection for employees from displacement.

[8.102.461.10 NMAC - Rp, 8.102.460.19 NMAC, 04/01/2012; A, 12/1/2025]

**8.102.461.14 ON-THE-JOB TRAINING (Core Activity):**

**A.** Training in the public or private sector that is given to a paid employee that provides knowledge and skills essential to the full and adequate performance of the job shall be considered on-the-job training. On-the-job training (OJT) may be subsidized or unsubsidized. The employer of an OJT participant will retain the employee after the successful completion of the OJT contract and the existence of a written training plan; these plan requirements distinguish OJT from other subsidized employment.

**B. General:**

**(1)** Hours in an on-the-job-training activity will be determined by actual hours worked or upon the contract the [HSD] HCA has with the employer including paid leave and holidays and projected for up to six months.

**(2)** The department will coordinate with the department of workforce solutions, Workforce Investment Act (WIA), one-stops or the New Mexico in-plant-training program to engage TANF participants in this

work activity.

(3) To qualify as OJT there must be a contractual agreement with the employer and [~~HSD~~ HCA] may pay no more than 50 percent of the participant's wage and benefit package.

C. **Component activities:** The following shall be considered as qualified participation hours for OJT:

- (1) on-the-job training as paid employment; or
- (2) professional certification; or
- (3) practicum, internship, and clinical training.

D. **Supervision and documentation:**

(1) Hours for this activity will be projected for up to six months at which time current documentation shall be required in order to evaluate any changes in the prospective hours of participation.

(2) This activity must be supervised by an employer, work site sponsor, or other responsible party on a daily basis.

[8.102.461.14 NMAC - Rp, 8.102.460.23 NMAC, 04/01/2012; A, 12/1/2025]