



Michelle Lujan Grisham, Governor
Kari Armijo, Cabinet Secretary
Dana Flannery, Medicaid Director

April 4, 2024

The Human Services Department (HSD) (the Department), through the Medical Assistance Division (MAD), is proposing the New Mexico Administrative Code (NMAC) rule 8.325.12, Medication Assisted Treatment Services in Correctional Settings. As directed under NMSA 1978, §24-1-5.11, HSD establishes this rule in order to provide guidance and requirements for delivery of substance use disorder treatment and reentry services for persons diagnosed with substance use disorder in correctional 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: April 9, 2024

Hearing Date: May 9, 2024

Adoption Date: September 1, 2024

Technical Citations: Pursuant to NMSA 1978, §24-1-5.11.

The Department proposes to implement this rule September 1, 2024, and will be effective as follows:

By December 31, 2025, the New Mexico Corrections Department (NMCD) operated correctional facilities shall provide continuation of medication-assisted treatment (MAT) services or medication for opioid use disorder (MOUD) in compliance with these regulations for individuals receiving MAT or MOUD in the community or in a county detention facility prior to booking.

By June 30, 2026, NMCD operated correctional facilities shall initiate MAT or MOUD treatment services in compliance with these regulations for qualified individuals diagnosed with substance use disorder.

The register and the proposed rule are available on the HSD website at:

<https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

A public hearing to receive testimony on this proposed rule will be held on **Thursday, May 9, 2024, at 10:00 a.m.** The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via conference call. **Conference phone number: 1-800-747-5150. Access Code: 2284263.**

Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to HSD-madrules@state.nm.us. **All comments must be received no later than 5:00 p.m. MT on May 9, 2024.**

Interested persons may address written comments to:

Human Services Department
Office of the Secretary
Attn: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, NM 8504-2348

Copies of all comments will be made available by HSD/MAD upon request by providing copies directly to a requestor or by making them available on the HSD/MAD website.