

NOTICE OF PROPOSED RULEMAKING

On July 1, 2024, the New Mexico Human Services Department (the Department) will become the New Mexico Health Care Authority (“HCA”), pursuant to the passage of S16 during the 2023 NM Legislative Session and signed into law by NM Governor Michelle Lujan Grisham. To bring the New Mexico Administrative Code (NMAC) into full alignment with this change, the Department is proposing to repeal the following rules, as listed below. The purpose for these repeals is that the rules are for programs that are defunct or no longer exist. The Department is also proposing to repeal a DOH rule within Title 7 of the New Mexico Administrative Code that has been rendered obsolete by virtual of a new rule (8.9.8 NMAC) promulgated by the Early Childhood and Education Care Department.

Section 9-8-6 NMSA 1978, authorizes the HSD Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions. Rules to be repealed are listed at the end of this Notice.

These proposed repeals are available on the HSD website at:

<https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/2024-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting HSD at (505) 709-8865.

Notice Date: May 7, 2024

Hearing Date: June 7, 2024

Proposed Effective Date: July 1, 2024

A public hearing to receive testimony on these repeals will be held on **June 7, 2024, at 1:00 pm** Mountain Time (MT). There are three options for attending the hearing:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.

2. Join the Zoom webinar on your computer, mobile app or room device:

<https://us02web.zoom.us/j/83851836020?pwd=R0haZFdMK2hyaEduR0RqcGdGUXBhdz09>

Webinar ID 838 5183 6020

Passcode 529198

3. Or call in (audio only):

+1-669-900-6833,,83851836020# or +1-719-359-4580,,83851836020#

Webinar ID 838 5183 6020

Passcode 529198

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact HSD at (505) 709-8865. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available upon request by providing copies directly to a requestor or by making them available on the Department’s website or at a location within the county of the requestor.

Interested persons may address written comments to:

Human Services Department

Office of the Secretary

ATTN: HSD/HCA Rule Change Public Comments

P.O. Box 2348

Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 709-8865. Interested persons may also address comments via electronic mail to: Diane.Bilodeau@hds.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on June 7, 2024**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <https://www.hsd.state.nm.us/2024-comment-period-open/>, along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

HSD Rules to be Repealed:

<u>Rule number</u>	<u>Rule name</u>
8.171.400 NMAC	RECIPIENT POLICIES
8.171.500 NMAC	INCOME AND RESOURCE STANDARDS
8.171.600 NMAC	BENEFIT DESCRIPTION
8.172.400 NMAC	RECIPIENT POLICIES
8.172.500 NMAC	INCOME AND RESOURCE STANDARDS
8.172.600 NMAC	BENEFIT DESCRIPTION
8.202.400 NMAC	RECIPIENT REQUIREMENTS
8.202.500 NMAC	INCOME AND RESOURCE STANDARDS
8.202.600 NMAC	BENEFIT DESCRIPTION
8.227.400 NMAC	RECIPIENT REQUIREMENTS
8.227.500 NMAC	INCOME AND RESOURCE STANDARDS
8.227.600 NMAC	BENEFIT DESCRIPTION
8.228.400 NMAC	RECIPIENT REQUIREMENTS
8.228.500 NMAC	INCOME AND RESOURCE STANDARDS
8.228.600 NMAC	BENEFIT DESCRIPTION
8.230.400 NMAC	RECIPIENT REQUIREMENTS
8.230.500 NMAC	INCOME AND RESOURCE STANDARDS
8.230.600 NMAC	BENEFIT DESCRIPTION
8.232.400 NMAC	RECIPIENT REQUIREMENTS
8.232.500 NMAC	INCOME AND RESOURCE STANDARDS
8.232.600 NMAC	BENEFIT DESCRIPTION
8.233.400 NMAC	RECIPIENT POLICIES
8.233.500 NMAC	INCOME AND RESOURCE STANDARDS
8.233.600 NMAC	BENEFIT DESCRIPTION
8.235.400 NMAC	RECIPIENT REQUIREMENTS
8.235.500 NMAC	INCOME AND RESOURCE STANDARDS
8.235.600 NMAC	BENEFIT DESCRIPTION

DOH Rule to be Repealed – was replaced by 8.9.8 NMAC in July 2021.

<u>Rule number</u>	<u>Rule name</u>
7.30.8 NMAC	Requirements For Family Infant Toddler Early Intervention Services

The Human Services Department, which will become the Health Care Authority (“HCA”), by virtue of the statutory authority and jurisdiction given to the HCA, hereby makes the following repeals of HSD rules that are outdated and obsolete under New Mexico Medicaid Eligibility categories and will not be adopted as the Department transitions to become the HCA:

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.171.400 NMAC - Recipient Policies (filed 8/31/2006) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.171.500 NMAC - Income And Resource Standards (filed 8/31/2006) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.171.600 NMAC - Benefit Description (filed 8/31/2006) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.172.400 NMAC - Recipient Policies (filed 12/28/2006) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.172.500 NMAC - Income And Resource Standards (filed 12/28/2006) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.172.600 NMAC - Benefit Description (filed 12/28/2006) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.202.400 NMAC - Recipient Requirements (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.202.500 NMAC - Income And Resource Standards (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.202.600 NMAC - Benefit Description (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.227.400 NMAC - Recipient Requirements (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.227.500 NMAC - Income And Resource Standards (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.227.600 NMAC - Benefit Description (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.228.400 NMAC Recipient Requirements (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.228.500 NMAC - Income And Resource Standards (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.228.600 NMAC - Benefit Description (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.230.400 NMAC - Recipient Requirements (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.230.500 NMAC Income And Resource Standards (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.230.600 NMAC Benefit Description (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.232.400 NMAC Recipient Requirements (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.232.500 NMAC Income And Resource Standards (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.232.600 NMAC Benefit Description (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.233.400 NMAC - Recipient Policies (filed 6/13/2003) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.233.500 NMAC - Income And Resource Standards (filed 9/3/2013) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority, approved the repeal of 8.233.600 NMAC - Benefit Description (filed 9/3/2013) adopted on 6/xx/2024 and effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.235.400 NMAC Recipient Requirements (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.235.500 NMAC - Income And Resource Standards (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.

The Human Services Department, which will become the Health Care Authority approved the repeal of 8.235.600 NMAC - Benefit Description (filed 12/2/2013) adopted on 6/xx/2024 , effective 7/1/2024.