

## NOTICE OF PUBLIC HEARING

The Human Service Department through Income Support Division (ISD) is proposing repeal/replace/amend rules 8.100.180 NMAC General Operating Policy-External Communications and 8.100.970 NMAC Oversight-Program Participation Hearings. Changes in the rule are to update language, incorporate standardized rule language, and correct citation format.

Language updates are to include change of the department's name from Human Services Department to New Mexico Health Care Authority. This name was established through the passage of SB16, "Create Health Care Authority Department", during the 2023 NM Legislative session and signed into law by NM Governor Michelle Lujan Grisham.

On June 5, 2023, USDA Food and Nutrition Services (FNS) conducted the New Mexico Recipient Integrity Review to ensure that NMAC is aligned with Code of Federal Regulations (CFR). During the review FNS found language in NMAC that did not coincide with CFR. The current process allowed the Department to dismiss a fair hearing due to a mass change, this is incorrect and therefore NMAC will be updated.

Specifically, the changes include:

### **8.100.180.15 NMAC**

Repeal/replace to comply with federal regulations as well as NMAC rule requirements. Language updates to include The Human Services Department (HSD) as the Health Care Authority Department (HCA).

(specifically, Policy sub-section C. of 8.100.180.15 NMAC will be updated to remove the sentence which includes "A hearing is not available, and benefits are not continued, when automatic benefit adjustments are required by federal or state law unless the specific, express basis for the hearing request is incorrect benefit computation.")

### **8.100.970.9 NMAC**

Repeal/replace to comply with federal regulations as well as NMAC rule requirements. Language updates to include The Human Services Department (HSD) as the Health Care Authority Department (HCA).

(specifically, the policy section of 8.100.970.9 D. NMAC will be updated to remove paragraph 3 as an option for dismissal of a fair hearing.

The Department is promulgating these rules to be in compliance with the CFR. The rule will be amended, repealed/replaced under the statutory authority of the food stamp program as authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011-2036). Regulations issued pursuant to the act are contained 7 CFR 273.12(e)(5). State Authority for administering the food stamp and TANF programs are contained in Chapter 27 NMSA, 1978. Administration of HSD, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

These rules will be contained in 8.100.180.15 NMAC, 8.100.970.9 NMAC. This register and the proposed changes are available on the HSD website at <https://www.hsd.state.nm.us/lookingforinformation/income-support-division-registers-2/>.

If you do not have internet access, a copy of the proposed rules may be requested by contacting the Income Support Department P.O. Box 2348, Santa Fe, New Mexico 87504-2348 or by calling (505) 670-1791.

A public hearing to receive testimony on this proposed rule will be held Hybrid, pursuant to section 14-4-5.6 NMSA 1978, will be held on April 15, 2024 11:00 a.m-12:00 p.m.

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All Written comment may be dropped off during the scheduled hearing time at the HSD Administrative Services Division (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505.

Individuals wishing to testify may contact the Income Support Division (ISD), P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling (505) 670-1791.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, April 15, 2024. Please send comments to:

Human Services Department

P.O. Box 2348

Santa Fe, NM 87504-2348

Recorded comments may be left at (505) 670-1791. You may send comments electronically to: [HSD-isdrules@hsd.nm.gov](mailto:HSD-isdrules@hsd.nm.gov). Written and recorded comments will be posted to the agency's website within 3 days of receipt. All comments will be given the same consideration as oral testimony made at the public hearing.