



HEALTH CARE AUTHORITY

OFFICE OF FAIR HEARINGS

ANNUAL REPORT
2025

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HEALTH CARE AUTHORITY

Vision

Every New Mexican has access to affordable health care coverage through a coordinated and seamless health care system.

Mission

We ensure that New Mexicans attain their highest level of health by providing whole-person, cost-effective, accessible, and high-quality health care and safety-net services.

Goals

- Leverage purchasing power and partnerships to create innovative policies and models of comprehensive health care coverage that improve the health and well-being of New Mexicans and the workforce.
- Achieve health equity by addressing poverty, discrimination, and lack of resources, building a New Mexico where everyone thrives.
- Implement innovative technology and data-driven decision-making to provide unparalleled, convenient access to services and information.
- Build the best team in state government by supporting employees' continuous growth and wellness.

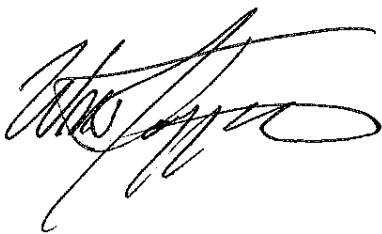
A Letter from the Director

State Fiscal Year 2025 brought about significant change and opportunity for the Office of Fair Hearings. On July 1, 2024, the New Mexico Human Services Department completed its transition into the Health Care Authority (HCA), expanding its impact and role in New Mexico's health care and social safety net programs. The creation of the HCA brought expanded jurisdiction, new terminology, regulatory changes, and redeveloped business processes to the Office of Fair Hearings and the parties who come before us. Despite these challenges, our commitment to integrity, accessibility, and the preservation of due process has remained unwavering.

State Fiscal Year 2026 will undoubtedly bring about new challenges for the Office of Fair Hearings, all of which will be met. Eligibility changes related to the One Big Beautiful Bill Act are expected to increase utilization of the Fair Hearing process. The implementation of ASPEN+ and other technologies will provide opportunities for enhanced docket management and improved customer service and accessibility.

After the Office of Fair Hearing's successful transition within the Health Care Authority, the onus is now to maintain our performance as a leader in adjudicatory excellence. As Fair Hearing volume, complexity, and urgency escalates, I have the utmost confidence in the dedicated staff at the Office of Fair Hearings and our ability to achieve even greater levels of success. It is a privilege to serve this great state and an honor to work alongside my fellow public servants at the Health Care Authority and the Office of Fair Hearings.

Best,

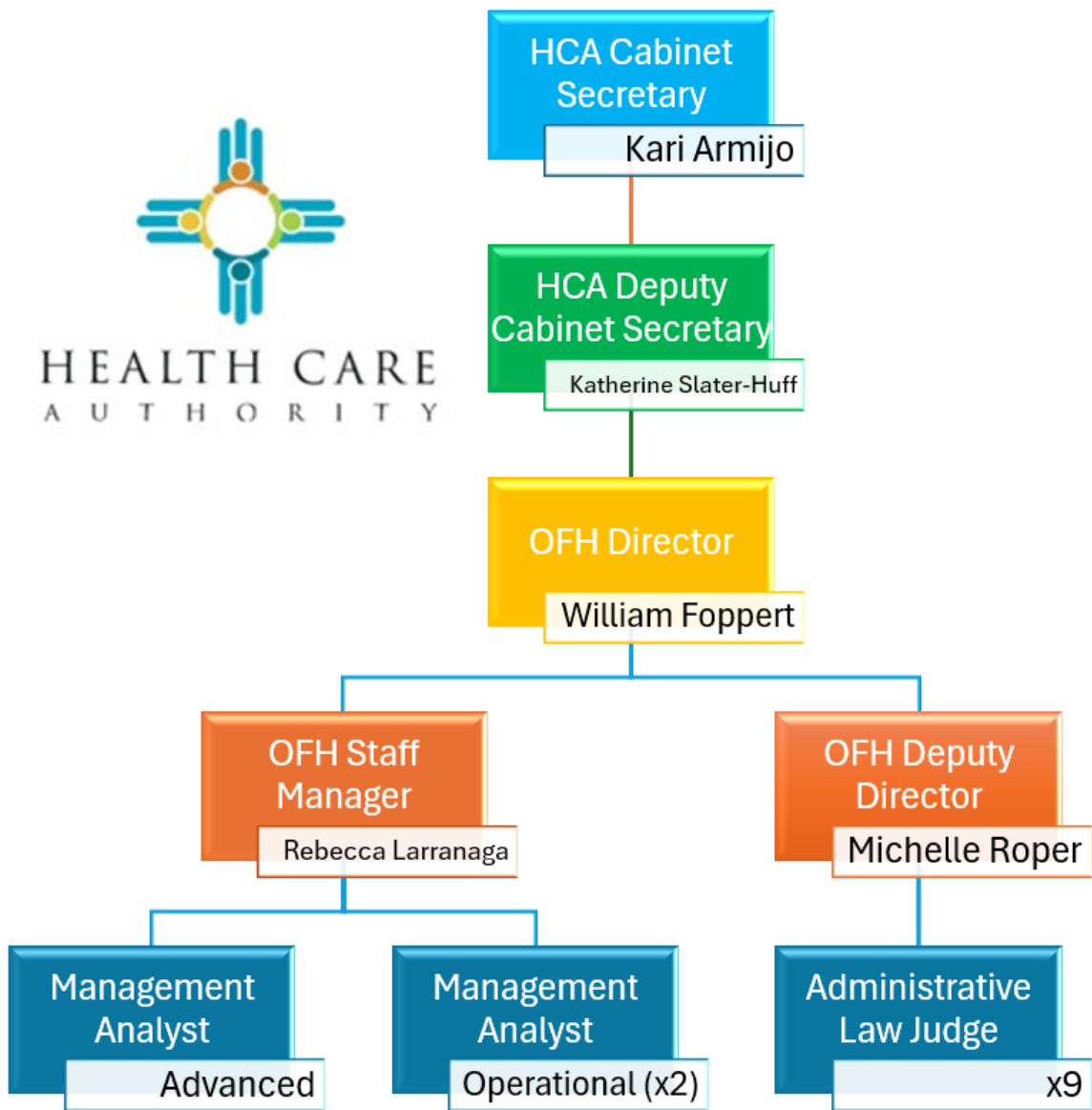
A handwritten signature in black ink, appearing to read 'William Foppert', with a stylized, flowing script.

William Foppert
Director, Office of Fair Hearings

Office of Fair Hearings

The Office of Fair Hearings (OFH) provides administrative hearings consistent with the New Mexico Administrative Code and Code of Federal Regulations. The OFH registers appeals for adverse actions across all public assistance programs, Child Support enforcement actions, Managed Care Organization actions, and facility admission/discharges. The OFH also conducts hearings related to the New Mexico Employee Abuse Registry, certain provider appeals, and marketplace eligibility through BeWellNM. The goal of each administrative hearing is to allow program participants to challenge actions initiated by the Health Care Authority in front of an impartial Administrative Law Judge. Given the diverse needs of New Mexico's population, the OFH takes specific steps to ensure that the hearing process is accessible to all constituents and provides efficient adjudication of all appeals presented.

Organizational Chart



State Fiscal Year (SFY) 2025 Accomplishments

- SFY 2025 introduced the New Mexico Health Care Authority (HCA). Merging the Human Services Department with the Division of Health Improvement and the Developmental Disabilities Supports Division from the New Mexico Department of Health, and the Employee Benefits Bureau from the New Mexico General Services Division. This transition introduced regulatory changes and expanded the jurisdiction of the Office of Fair Hearings.
- The Office of Fair Hearings completed the Food and Nutrition Services' (FNS) 2023 Recipient Integrity and Fair Hearings Management Evaluation Reviews with all prior findings closed. It is noted that 100% of sampled cases were found to be in compliance with the Code of Federal Regulations with respect to scheduling, decisional timeliness and regulatory citation.
- Throughout SFY 2025, the Office of Fair Hearings collaborated with the HCA's Information Technology Division and external partners to enhance system performance with ASPEN, the internal caseload management system, and the hearing platforms to increase the efficiency and accessibility of the administrative hearing process.
- With support from the HCA Office of Communications, the Office of Fair Hearings launched a new webpage to include bilingual Fair Hearing request forms, a Withdrawal form, and a Frequently Asked Questions section.

Professional Development

Through webinars, trainings, conferences, and other forums, SFY 2025 provided multiple opportunities for professional development. All Administrative Law Judges were provided with membership to the National Association of Hearing Officers (NAHO) and the National Association of Administrative Law Judiciary (NAALJ). During the year, the OFH was represented at the following:

- Judicial Writing, (National Judicial College (NJC); online)
- Ethics and Judging: Reaching Higher Ground (NJC; online)
- Legal Writing: Striving for Clarity (NJC; online)
- The Who, What and Why of Self-Represented Litigants (NJC; online)
- Dealing with Sovereign Citizens (NJC; online)
- Decision Making (NJC; New Orleans, LA)
- 2024 Professional Development Conference (NAHO; Savannah GA)
- Midyear Webinar (NAALJ; online)
- Professional Development Virtual Mini-Conference (NAHO; online)
- A Toolkit for Decision Writers (NAHO; online)
- Delivering Procedural Fairness in Hearings Involving Self-Represented Litigants (NAHO; online)
- The Importance of Civility (NAHO; online)
- Essentials of Supervision and Management (NM State Personnel Office; online)
- NM Judicial Coaching Resource (State Bar of New Mexico; online)

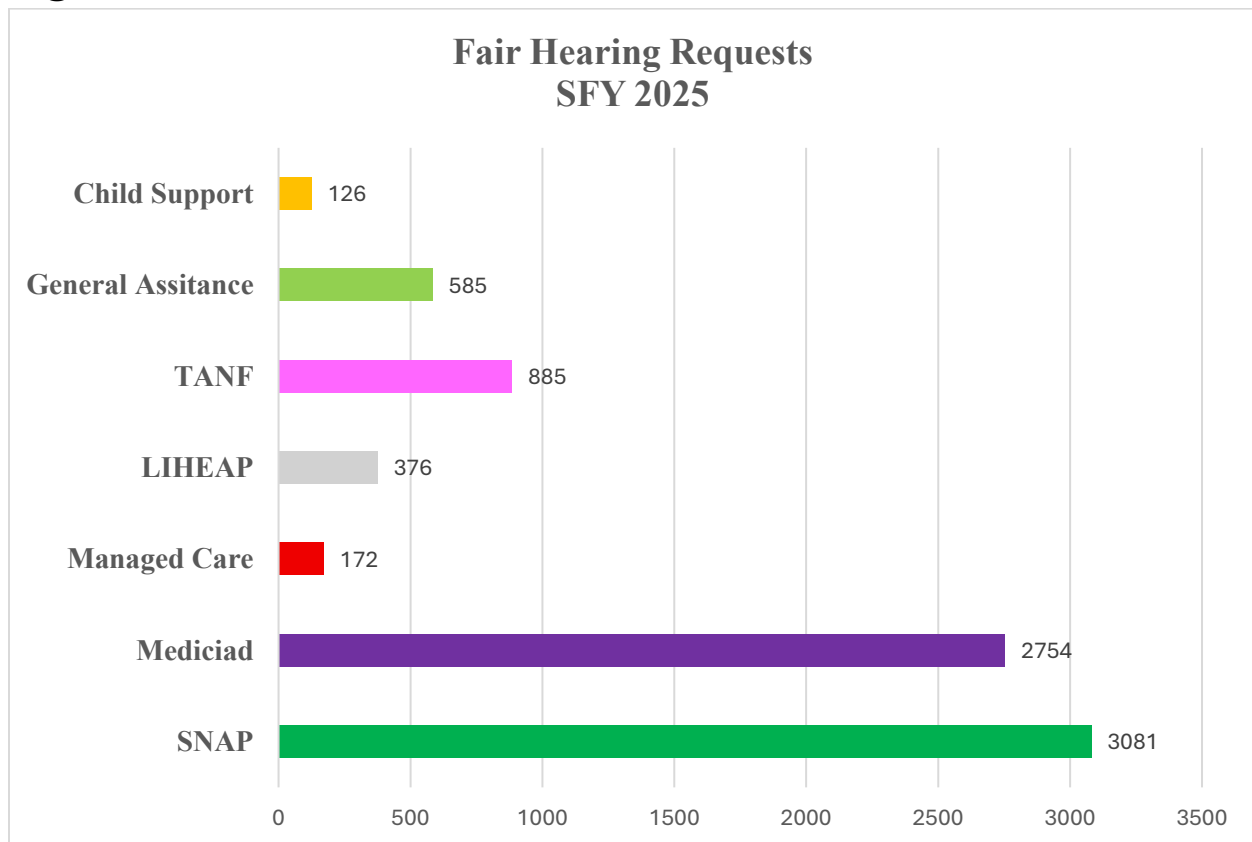
Sample of Fair Hearing Parties

- Citizens of the State of New Mexico
- Income Support Division
- Incapacity Review Unit
- Institutional Care and Waiver Unit
- Child Support Services Division
- Medical Assistance Division
- Developmental Disabilities Supports Division
- Behavioral Health Services Division
- Division of Health Improvement
- Office of Inspector General
- Restitutions Services Bureau
- Office of General Counsel
- Aging and Long-Term Services Department
- BeWellNM
- Blue Cross Blue Shield of New Mexico
- Presbyterian Health Plan
- United Health Care
- Molina Health
- Comagine
- Center on Law and Poverty
- Disability Rights New Mexico
- New Mexico Legal Aid

Fair Hearings by Category

The OFH registered 8,090 Fair Hearing requests for SFY 2025 for 16 different categories of appeal. Appeals related to the Supplemental Nutrition Assistance Program (SNAP) and Medicaid eligibility were, as expected, the most common with 3,081 and 2,754 hearings requested, respectively. The seven (7) most frequently requested categories of appeal are presented in **Figure 1**. Hearings were also registered for actions related to the Medically Fragile, Mi Via, and Developmental Disabilities Waivers, Housing Assistance, the Employee Abuse Registry, BeWellNM, and Nursing Facility discharges.

Figure 1.



Fair Hearings by County

Of the 8,090 Fair Hearing requests for SFY 2025, the most populous counties accounted for the majority of the requested eligibility hearings. **Figure 2** presents the total requests by county for the ten (10) most frequent counties. It must be noted that the Income Support Division operates four (4) distinct offices in Bernalillo County, three (3) offices in Doña Ana County, and two (2) offices in Valencia County. The data is presented by county, with individual county offices summed to comprise the county total. As the ICW Unit issues specified eligibility determinations throughout the state, appeals related to eligibility determinations issued by the Institutional Care and Waiver (ICW) Unit are included in **Figure 2**, but not in **Figure 3**.

Figure 2.

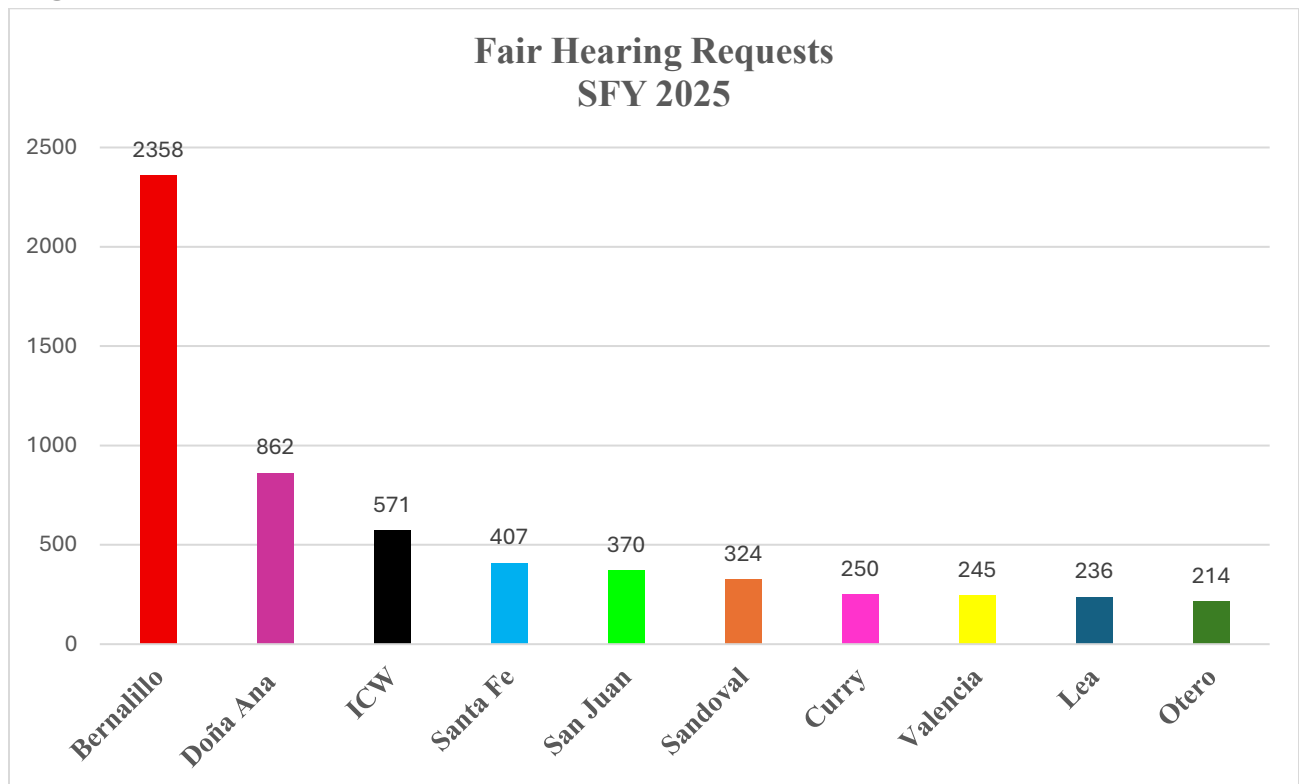
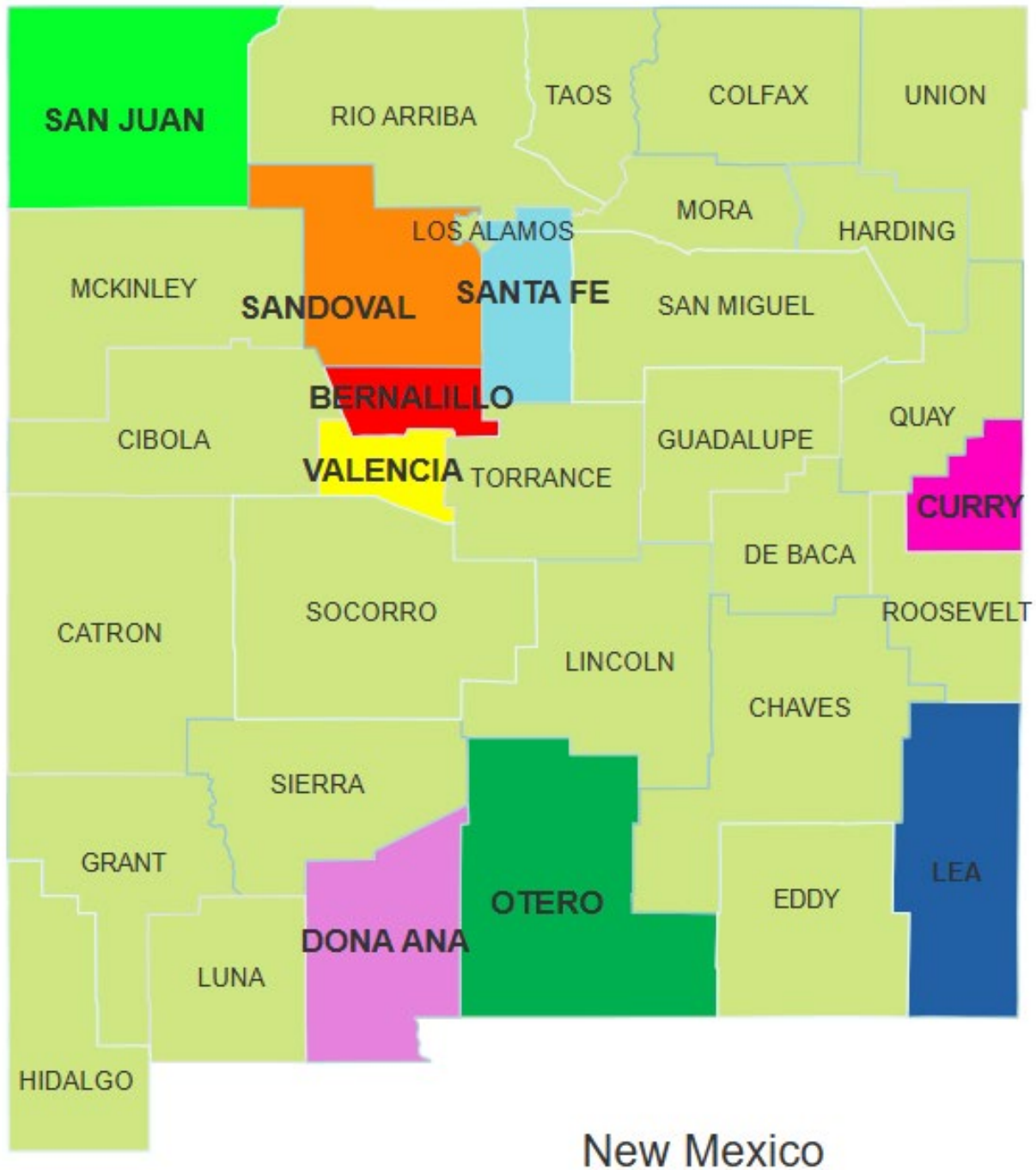


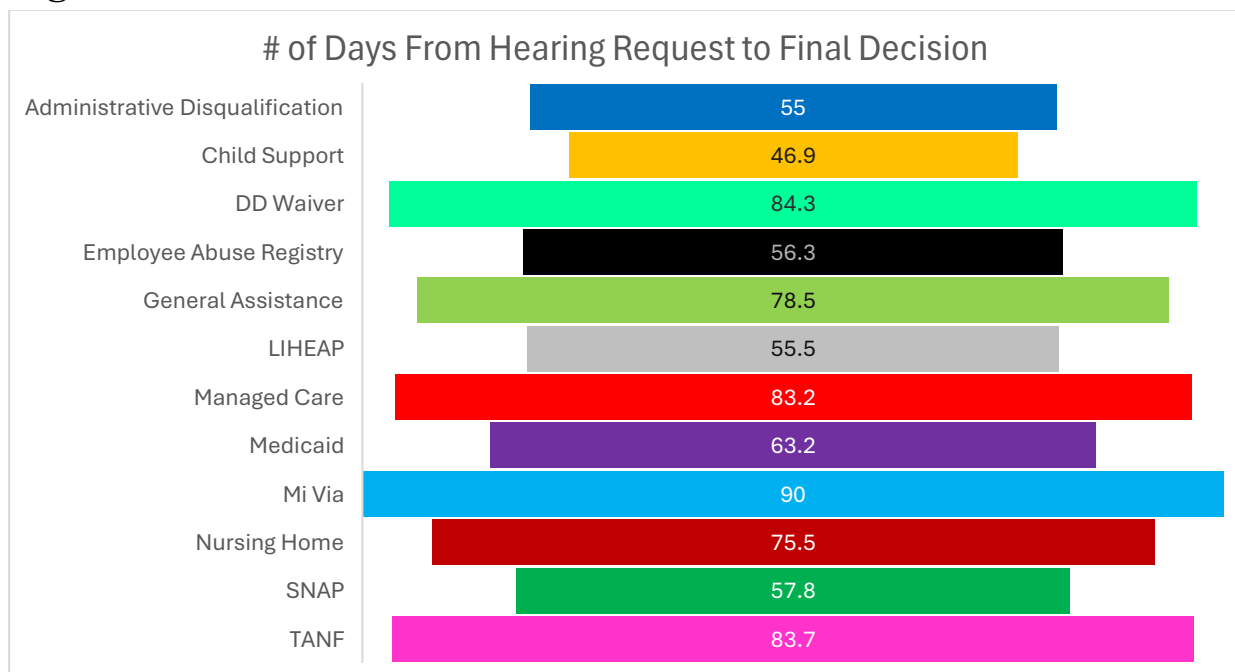
Figure 3. Counties with the highest number of Fair Hearing requests



Disposition Timeliness

Depending on the category of appeal, most appeals heard by the OFH require a decision issued within 60 or 90 days of the initial request. While the OFH utilizes all resources available to ensure timely decisions, efforts throughout the OFH are directed to increase efficiency throughout the adjudicatory process. As a measure of customer service and with recognition of the OFH's responsibility to internal and external stakeholders, the accessibility and timeliness of the administrative appeal process is of paramount importance to the OFH. For SFY 2025, the mean time frame for disposition was 67 days from the initial hearing request. Child Support enforcement hearings had the fastest mean disposition time at 46.9 days from the initial hearing request. Presented by category, **Figure 4** provides the average number of days from Fair Hearing request to disposition for all appeals with a contested hearing.

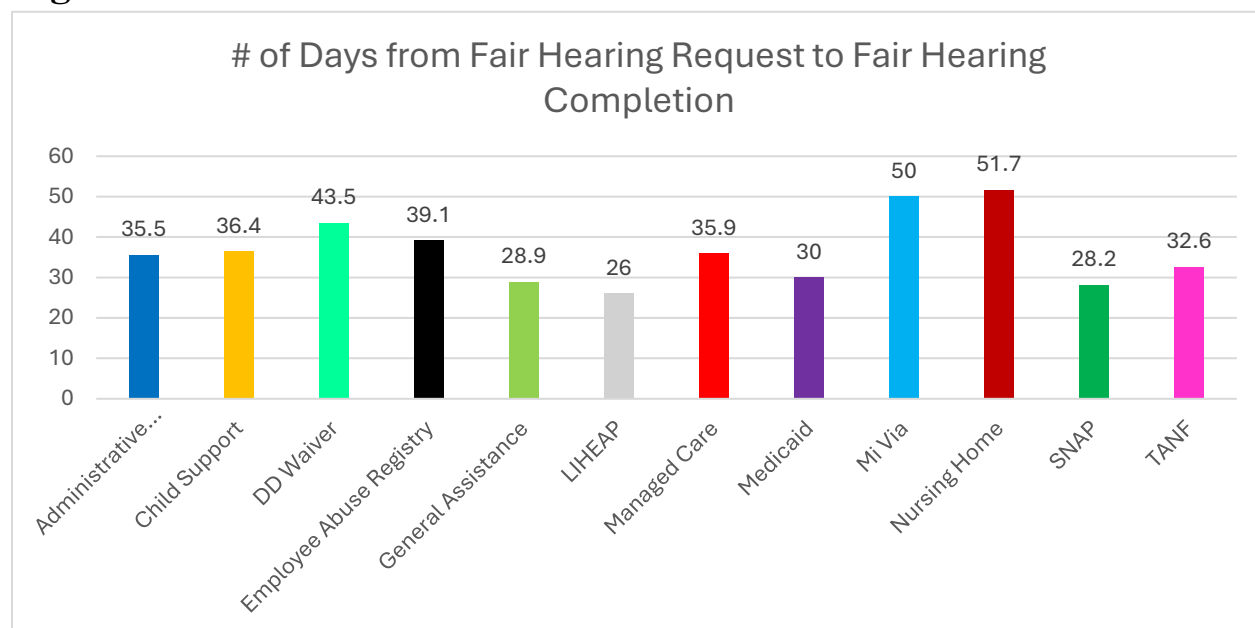
Figure 4.



Adjudicative Efficiency

Although requests for continuances, postponements, and offerings of good cause for failing to appear are commonly received from parties, the OFH ensured the efficiency of the adjudicative process. The Management Analyst staff received training to properly identify Authorized Representatives, communicate the appeal process, and improved the information available on the OFH webpage. Through Agency Review Conferences, Pre-Hearing Conferences, and timely scheduling of Fair Hearings, the OFH's mean time frame from hearing request to completed hearing was 31.9 days for SFY 2025. The modal time frame for all contested hearings was 20 days from the Fair Hearing request date. On average, Fair Hearings related to General Assistance, LIHEAP, Medicaid, and SNAP were all conducted within 30 days of the Fair Hearing request. **Figure 5** presents the mean number of days from Fair Hearing request date to the completed hearing date for all appeals with a contested hearing.

Figure 5.



Issue on Appeal

Figure 6 identifies the issue on appeal for all contested Fair Hearings in SFY 2025 (including n-value and percent of overall contested hearings). As expected, appeals related to the benefit eligibility denials (n= 117; 27%) and closures (n= 101; 23%) accounted for more than half of all contested hearings. Examples of issues contained within the “Other” category included appeals regarding Patient Pay Amounts (n= 2), Managed Care Organization enrollment changes (n= 1), restoration of expunged/stolen benefits (n= 2), denial of Mi Via budget (n= 3), Intentional Program Violations (n= 2).

Figure 6.

