



State of New Mexico Health Care Authority **Human Services Register**



HEALTH CARE
AUTHORITY

I. DEPARTMENT NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT
8.281.510 NMAC, 8.313.3 NMAC, 8.326.2 NMAC,
8.350.4 NMAC, 8.370.3 NMAC, 8.370.4 NMAC,
8.370.9 NMAC, 8.370.16 NMAC,
8.371.2 NMAC, AND 8.371.9 NMAC

III. PROGRAM AFFECTED (TITLE XIX) MEDICAID

IV. ACTION PROPOSED RULES

V. BACKGROUND SUMMARY

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rules 8.281.510 NMAC, *Medicaid Eligibility – Institutional Care (Categories 081, 083, and 084), Trust Standard*, 8.313.3 NMAC, *Long Term Care Services – Intermediate Care Facilities, Cost Related Reimbursement of ICF-MR Facilities*, 8.326.2 NMAC, *Case Management Services, Case Management Services for Adults with Developmental Disabilities*, 8.350.4 NMAC, *Reconsideration of Utilization Review, Reconsideration of Audit Settlements*, 8.370.3 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Health Facility Licensure Fees and Procedures*, 8.370.4 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Health Facility Sanctions and Civil Monetary Penalties*, 8.370.9 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Incident Reporting, Intake, Processing, and Training Requirements*, 8.370.16 NMAC, *Oversight of Licensed Healthcare Facilities and Community Based Waiver Programs, Requirements for Long Term Care Facilities*, 8.371.2 NMAC, *Developmental Disabilities, Requirements for Intermediate Care Facilities for the Mentally Retarded*, and 8.371.9 NMAC, *Developmental Disabilities, Admission, Discharge, and Transfer of Eligible Recipients for Services in ICF-MR 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: February 10, 2026

Hearing Date: March 12, 2026

Adoption Date: Proposed as July 1, 2026

Technical Citations: Section 9-8-6 NMSA 1978

The HCA is proposing the following amendments:

Throughout all NMACs:

1. References to mental retardation (MR) have been replaced with individuals with intellectual disabilities (IID). No edits or changes to the intent or meaning of the rules are proposed.
2. Amendments have been made to include the Department's current mission statement.
3. Outdated NMAC references have been updated.
4. Amendments have been made to comply with formatting and language requirements.

VI. RULE

These proposed rule changes will be contained in 8.281.510, 8.313.3, 8.326.2, 8.350.4, 8.370.3, 8.370.4, 8.370.9, 8.370.16, 8.371.2, and 8.371.9 NMAC. This register and the proposed rules are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-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.

VII. EFFECTIVE DATE

The Health Care Authority proposes implementing these rules effective July 1, 2026.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these proposed rules will be held on **March 12, 2026, at 10:00 a.m. MT**. The hearing will be held in the Large Conference Room at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting

[Join the meeting now](#)

Meeting ID: 259 507 667 843 34

Passcode: 2LP2xC9v

Dial in by phone

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

Phone conference ID: 939 844 20#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodation.

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

IX. ADDRESS


Interested people may address written comments to:

New Mexico Health Care Authority
Office of the Secretary
ATTN: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m. MT on March 12, 2026**. 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 HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-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.

X. PUBLICATION

Publication of these rules approved by:

DocuSigned by:

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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY