



HEALTH CARE
A U T H O R I T Y

Michelle Lujan Grisham, Governor

Kari Armijo, Secretary

Alanna Dancis, Acting Medicaid Director

February 10, 2026

RE: Tribal Notification to Request Advice and Comments Letter 26-04: Proposed Amendments to NMAC 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.

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Health Care Authority's (HCA's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HCA, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m., Mountain Time (MT) on March 12, 2026**, regarding proposed amendments to the New Mexico Administrative Codes (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*.

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.

Estimated Total Financial Impact:

HCA does not anticipate a financial impact.

Tribal Impact:

HCA does not anticipate a Tribal impact.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed NMACs on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. **Notification letter 26-04.**

A written copy of these documents may be requested by contacting the HCA Medical Assistance Division (HCA/MAD) in Santa Fe at (505) 827-1337.

Important Dates

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 3/12/26](#)

Meeting ID: 259 507 667 843 34

Passcode: 2LP2xC9v

Dial in by phone

[+1 505-312-4308](tel:+15053124308) United States, Albuquerque

Phone conference ID: 939 844 20#

Written advice and comments must be received no later than 5:00 p.m. MT on March 12, 2026.

Please send your advice, comments or questions to the MAD Native American Liaison, Pharon Morgan, at (505) 469-6877 or by email to pharon.morgan@hca.nm.gov.

Sincerely,



Alanna Dancis, Acting Director
Medical Assistance Division