



HEALTH CARE
AUTHORITY

Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
Alanna Dancis, Acting Medicaid Director

March 10, 2026

RE: Tribal Notification to Request Advice and Comments Letter 26-06: Proposed NMAC 8.3.2, Family Health and Well-Being, Plan of Safe Care for Substance-Exposed Infants

Dear Tribal Leadership, Indian Health Service, Tribal 638/Urban Indian Health Centers, 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 Daylight Time (MDT) on April 9, 2026**, regarding the proposed New Mexico Administrative Code (NMAC) 8.3.2, *Family Health and Well-Being, Plan of Safe Care for Substance-Exposed Infants*.

The HCA is proposing the following:

New Mexico's Comprehensive Addiction and Recovery Act (CARA) Program supports families living with substance use to provide a safe environment for newborns and children that are free from risks of abuse, neglect or abandonment through programmatic processes that connect CARA families to services that promotes a healthy family environment. A plan of safe care (POSC) may be identified during prenatal care, during the delivery episode or after a child is born.

Pursuant to NMSA 32A-3A-13, the administration of the CARA program administration will transfer from the Children, Youth, and Families Department (CYFD) to the HCA effective July 1, 2026. As a result, the HCA is proposing a new chapter within Title 8 of the New Mexico Administrative Code (NMAC) for the POSC for Substance-Exposed Infants. The attached proposed NMAC includes the following policy sections:

- Identification of Substance-Exposed Infants
- Responsibilities Regarding Plan of Safe Care Creation
- Requirements of the Plan of Safe Care
- Implementation of the CARA Navigation Program
- Referral to CYFD for Family Assessment
- Training Requirements
- Data and Reporting Requirements

Estimated Total Financial Impact

No financial impact is anticipated for Native American tribes.

Tribal Impact

The HCA will direct prenatal and perinatal healthcare providers to screen all pregnant women with a verbal screening tool to reduce bias and stigma. Universal screening will allow for conversations with and assessment of all pregnant people. Pregnant individuals who disclose substance use during pregnancy or have a positive verbal screening shall have a Plan of Safe Care created which includes referrals to substance use prevention and treatment and home visiting or early intervention services for the child. Plans of Safe Care will be communicated to the appropriate Tribe, Pueblo, or Nation to engage the pregnant person and family with community-based services and supports. Universal verbal screening, access to treatment and supports and access to early childhood interventions are evidence-based strategies that engage families in care and save lives. Approximately 2% of CARA families identified as Native American.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed NMAC on the HCA webpage at:

<https://www.hca.nm.gov/providers/written-tribal-consultations/>. *Notification letter 26-06.*

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 this proposed rule will be held on **April 9, 2026, at 11:00 a.m., MDT**. The hearing will be held in the ASD 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 4/9/2026](#)

Meeting ID: 298 286 479 124 68

Passcode: 3Cn6Au3i

Dial in by phone

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

[Find a local number](#)

Phone conference ID: 299 362 262#

Written advice and comments must be received no later than 5:00 p.m. MDT on April 9, 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 Medicaid Director
Medical Assistance Division