



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 26-09: Proposed NMAC 8.308.21, Managed Care Program, Quality Management

Dear Tribal Leadership, Indian Health Service, Tribal 638 Health/Urban Indian Health Centers Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers (Indian Health Service/PL93-638) 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 April 10, 2026**, regarding proposed amendments to NMAC 8.308.21, Managed Care Program, Quality Management.

HCA received feedback from the Turquoise Managed Care Organizations regarding the administrative burden of the critical incident reporting criteria. After HCA's analysis, HCA is proposing to eliminate the Emergency Services, Law Enforcement, and Environmental Hazard reporting categories. Additionally, HCA will be revising the requirements for reporting insufficient staffing incidents. HCA is expecting this revision to reduce reportable incidents by more than 50%. The updates will reduce administrative burden for mandatory reporters of critical incidents and ensure that reportable incidents are truly critical. These incidents will remain reportable if they involve abuse, neglect, exploitation, misuse or unauthorized use of restrictive interventions or seclusion, or a medication error by a provider resulting in contact with a poison control center, an emergency department visit, an urgent care visit, a hospitalization, or death

The Health Care Authority is proposing to amend the rule as follows:

NMAC 8.308.21

Section 8 has been updated to include the Departments current mission statement.

Section 13 has been updated to remove reporting categories to include any incident involving the utilization of emergency services, hospitalization, the involvement with law enforcement, and exposure to or the potential of exposure to environmental hazards that compromise health and safety.

Section 13 has been updated to add reporting categories to include the misuse or unauthorized use of restrictive interventions or seclusion on a member. A medication error resulting in a telephone call to, or consultation with, a poison control center by or on behalf of the member, an emergency department visit, urgent care visit, a hospitalization, or death of the member.

Throughout the NMAC the following changes have been made:

1. Revising references to "his or her" to "their" or "the member".
2. Changed HSD to HCA.

Estimated Total Financial Impact: HCA does not anticipate a financial impact.

Tribal Impact: Tribal impact will be identical to the non-Tribal impact. It will reduce administrative burden for mandatory reporters of critical incidents and ensure that reportable incidents are truly critical.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.308.21 NMAC on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. **Notification letter 26-09.**

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 10, 2026, at 10:00 am. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting

Microsoft Teams meeting

Join: <https://teams.microsoft.com/meet/21210098758081?p=2VbxsLp6hic2NLItw9>

Meeting ID: 212 100 987 580 81

Passcode: 92CB78jM

Dial in by phone

[+1 505-312-4308](tel:+15053124308), [516228109#](tel:+1516228109) United States, Albuquerque

[Find a local number](#)

Phone conference ID: 516 228 109#

Written advice and comments must be received no later than 5:00 p.m. MT on April 10, 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