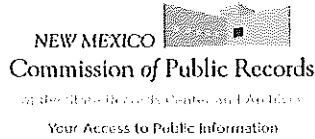


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# NMAC

## Transmittal Form



Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action:   
New  Amendment  Repeal  Emergency  Renumber  (ALD Use Only) Most recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):  Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes  No  Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes  No  Public domain

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**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

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# Concise Explanatory Statement For Rulemaking Adoption:

## Findings required for rulemaking adoption:

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### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

For the purpose of clarifying the retention period for provider data file and reports to be compatible with other rules of similar function. To extend retention of available data to 10 years, in regards to IPRA requests, and in respect to the external audit agent, who houses these documents. It will also obligate providers to retain supporting data for record keeping needs for the same period of time. Current rule reflects provider data retention of 4 years, and external audit agent data of 3 years. For more appropriate historical data tracking, 10 years was deemed suitable. This NMAC rule is being repealed and replaced to comply with formatting requirements. There were no substantive arguments made through public comment.

### Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

David R. Scrase

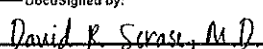
Check if authority has been delegated

Title:

Secretary

Signature: (BLACK ink only)

Date signed:

DocuSigned by:  
  
 9DBE707D1B53422...

7/26/2021

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The Human Services Department - Medical Assistance Division reviewed at its 5/20/2021 hearing, 8.312.3 NMAC, Long Term Care Services - Nursing Services, Cost Related Reimbursement of Nursing Facilities filed 6/14/2002. The Department has decided to repeal 8.312.3 NMAC, Long Term Care Services - Nursing Services, Cost Related Reimbursement of Nursing Facilities filed 6/14/2002 and replace it with 8.312.3 NMAC, Long Term Care Services - Nursing Services, Cost Related Reimbursement of Nursing Facilities, adopted 8/12/2021 and effective 9/1/2021.