



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT

REPEAL AND REPLACEMENT OF HSD RULES TO ALIGN WITH HSD TRANSITION TO THE HEALTH CARE AUTHORITY

III. PROGRAM AFFECTED

ALL HSD PROGRAMS

IV. ACTION

PROPOSED RULE REPEALS AND REPLACEMENTS

V. BACKGROUND SUMMARY

On July 1, 2024, the New Mexico Human Services Department (the Department) will become the New Mexico Health Care Authority (“HCA”), pursuant to the passage of S16 during the 2023 NM Legislative Session and signed into law by NM Governor Michelle Lujan Grisham. To bring the New Mexico Administrative Code (NMAC) into full alignment with this change, the Department is proposing to repeal and replace the following rules to change the department’s name, update wording to change “aliens” to “non-citizens,” and follow current NMAC formatting rules. These are the only substantive proposed changes to these rules, there are no programmatic changes proposed.

The process of repeal and replacement is necessary because 1.24.11.9 NMAC requires that when an agency amends a rule that was not filed in the current style and format, it must reformat the entire part and officially adopt the current style and formatting requirements in conjunction with the amendment.

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: May 7, 2024

Hearing Date: June 7, 2024

Proposed Adoption Date: June 7, 2024

Effective Date: July 1, 2024

The Department is proposing to amend the involved rules as follows:

For each of the rules listed at the end of this notice, the current version of the rule will be repealed in its entirety. Each rule will be replaced with a new rule, with the same NMAC citation, that follows current State Records Center formatting guidelines and reflects the change from the Human Services Department to the Health Care Authority, adds the statutory citation for the Health Care Authority (Section 9-8-1 et seq. NMSA 1978), and changes the word “department” to “authority” and “HSD” to “HCA.” In addition, where the term “alien” appears in these rules it will be changed to “non-citizen.”

VI. RULE

The final register and listing of rules to be amended is available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/register/>. If you do not have internet access, a copy of the final register and list of rules may be requested by contacting the HSD at (505) 709-8865.

VII. EFFECTIVE DATE

These rules will be repealed and replaced effective July 1, 2024.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these repeals will be held on **June 7, 2024, at 9:00 am** Mountain Time (MT). There are three options for attending the hearing:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.
2. Join the Zoom webinar on your computer, mobile app or room device:
<https://us02web.zoom.us/j/88954952376?pwd=cERwNUlJY0xMd21SeIZjbHhNjcjhaUT09>

Webinar ID 889 5495 2376
Passcode 757646

3. Or call in (audio only):

+1-253-205-0468,,88954952376# or +1-253-215-8782,,88954952376#

Webinar ID 889 5495 2376
Passcode 757646

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact HSD at (505) 709-8865. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

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

IX. ADDRESS

Interested persons may address written comments to:

Human Services Department
Office of the Secretary
ATTN: HSD/HCA Rule Change Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 709-8865. Interested persons may also address comments via electronic mail to: Diane.Bilodeau@hds.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on June 7, 2024**. 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 HSD website at <https://www.hsd.state.nm.us/2024-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 this rule is approved by:

DocuSigned by:

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KARI ARMIJO, SECRETARY
HUMAN SERVICES DEPARTMENT

HSD Rules to be Repealed and Replaced

Rule number	Rule name
8.2.2 NMAC	REQUIREMENTS FOR PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM
8.2.3 NMAC	REQUIREMENTS FOR PARTICIPATION IN THE SUMMER FOOD SERVICE PROGRAM
8.21.540 NMAC	EMERGENCY ASSISTANCE PROGRAMS, AID TO FAMILIES WITH DEPENDENT CHILDREN – CHILD SAFETY RESTRAINT SEAT PROGRAM
8.50.105 NMAC	INTAKE
8.50.106 NMAC	LOCATION
8.50.107 NMAC	DETERMINATION OF PARENTAGE
8.50.116 NMAC	NATIVE AMERICAN INITIATIVE
8.100.100 NMAC	GENERAL OPERATING PROCEDURES
8.100.110 NMAC	GENERAL OPERATING POLICIES – APPLICATIONS
8.100.120 NMAC	GENERAL OPERATING POLICIES – CASE MANAGEMENT
8.100.130 NMAC	GENERAL OPERATING POLICIES – ELIGIBILITY AND VERIFICATION STANDARDS
8.100.150 NMAC	GENERAL OPERATING POLICIES – RECORD RETENTION/MANAGEMENT
8.100.180 NMAC	GENERAL OPERATING POLICIES – EXTERNAL COMMUNICATIONS
8.100.390 NMAC	GENERAL SUPPORT – INFORMATION SYSTEMS
8.102.110 NMAC	GENERAL OPERATING POLICIES – APPLICATIONS
8.102.120 NMAC	ELIGIBILITY POLICY – CASE ADMINISTRATION
8.102.230 NMAC	GENERAL FINANCIAL – PAYABLES AND DISPERSEMENT
8.102.400 NMAC	RECIPIENT POLICIES – DEFINING THE ASSISTANCE GROUP
8.102.410 NMAC	RECIPIENT POLICIES – GENERAL RECIPIENT REQUIREMENTS
8.102.420 NMAC	RECIPIENT POLICIES – SPECIAL RECIPIENT REQUIREMENTS
8.102.500 NMAC	ELIGIBILITY POLICY – GENERAL INFORMATION
8.102.501 NMAC	TRANSITION BONUS PROGRAM
8.102.510 NMAC	ELIGIBILITY POLICY- RESOURCES/PROPERTY
8.102.520 NMAC	ELIGIBILITY POLICY – INCOME
8.102.610 NMAC	DESCRIPTION OF PROGRAM/BENEFITS – BENEFIT DELIVERY
8.102.611 NMAC	EDUCATION WORKS PROGRAM
8.102.620 NMAC	DESCRIPTION OF PROGRAM BENEFITS – BENEFIT DETERMINATION/GENERAL
8.106.110 NMAC	GENERAL OPERATING POLICIES – APPLICATIONS
8.106.120 NMAC	ELIGIBILITY POLICY – CASE ADMINISTRATION
8.106.230 NMAC	GENERAL FINANCIAL – PAYABLES AND DISBURSEMENT
8.119.110 NMAC	GENERAL OPERATING POLICIES APPLICATIONS
8.119.410 NMAC	RECIPIENT POLICIES – GENERAL RECIPIENT REQUIREMENTS
8.119.500 NMAC	ELIGIBILITY POLICY – GENERAL INFORMATION
8.119.510 NMAC	ELIGIBILITY POLICY – RESOURCES/PROPERTY
8.119.520 NMAC	ELIGIBILITY POLICY – INCOME
8.139.100 NMAC	GENERAL PROVISIONS FOR THE FOOD STAMP PROGRAM
8.139.110 NMAC	GENERAL ADMINISTRATION – APPLICATION PROCESSING
8.139.120 NMAC	CASE ADMINISTRATION – CASE MANAGEMENT
8.139.400 NMAC	RECIPIENT POLICY – WHO CAN BE A RECIPIENT
8.139.420 NMAC	RECIPIENT REQUIREMENTS – SPECIAL HOUSEHOLDS
8.139.500 NMAC	FINANCIAL ELIGIBILITY – NEED DETERMINATION

8.139.510 NMAC	ELIGIBILITY POLICY – RESOURCES AND PROPERTY
8.139.610 NMAC	PROGRAM BENEFITS – ISSUANCE AND RECEIPT
8.139.647 NMAC	FOOD STAMP PROGRAM – ADMINISTRATIVE DISQUALIFICATION PROCEDURES
8.150.100 NMAC	GENERAL PROVISIONS FOR THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM
8.150.110 NMAC	APPLICATIONS
8.150.410 NMAC	GENERAL RECIPIENT REQUIREMENTS
8.150.500 NMAC	ELIGIBILITY
8.150.510 NMAC	RESOURCES/PROPERTY
8.150.520 NMAC	INCOME
8.150.600 NMAC	DESCRIPTION OF PROGRAM/BENEFITS
8.150.620 NMAC	BENEFIT DETERMINATION/GENERAL
8.150.624 NMAC	RETROACTIVE BENEFIT COVERAGE
8.200.450 NMAC	REPORTING REQUIREMENTS
8.201.500 NMAC	INCOME AND RESOURCE STANDARDS
8.206.500 NMAC	INCOME AND RESOURCE STANDARDS
8.206.600 NMAC	BENEFIT DESCRIPTION
8.240.400 NMAC	RECIPIENT POLICIES
8.240.500 NMAC	INCOME AND RESOURCE STANDARDS
8.240.600 NMAC	BENEFIT DESCRIPTION
8.245.400 NMAC	RECIPIENT POLICIES
8.245.500 NMAC	INCOME AND RESOURCE STANDARDS
8.248.400 NMAC	RECIPIENT POLICIES
8.248.500 NMAC	INCOME AND RESOURCE STANDARDS
8.248.600 NMAC	BENEFIT DESCRIPTION
8.252.400 NMAC	RECIPIENT POLICIES
8.280.500 NMAC	INCOME AND RESOURCE STANDARDS
8.285.500 NMAC	INCOME AND RESOURCE STANDARDS
8.285.600 NMAC	BENEFIT DESCRIPTION
8.290.500 NMAC	INCOME AND RESOURCE STANDARDS
8.300.1 NMAC	GENERAL PROGRAM DESCRIPTION
8.300.2 NMAC	HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) POLICIES
8.300.6 NMAC	RESPONSIBILITY AND DELEGATION OF AUTHORITY
8.300.11 NMAC	CONFIDENTIALITY
8.300.17 NMAC	CONFLICT OF INTEREST
8.300.21 NMAC	MEDICAL ASSISTANCE DIVISION POLICY MANUAL
8.301.5 NMAC	MEDICAL MANAGEMENT
8.301.6 NMAC	CLIENT MEDICAL TRANSPORTATION SERVICES
8.302.1 NMAC	GENERAL PROVIDER POLICIES
8.302.4 NMAC	OUT-OF-STATE AND BORDER AREA PROVIDERS
8.310.4 NMAC	FEDERALLY QUALIFIED HEALTH CENTER SERVICES
8.311.2 NMAC	HOSPITAL SERVICES
8.313.2 NMAC	INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED
8.313.3 NMAC	COST RELATED REIMBURSEMENT OF ICF-MR FACILITIES
8.315.2 NMAC	PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

8.324.10 NMAC	AMBULATORY SURGICAL CENTER SERVICES
8.325.2 NMAC	DIALYSIS SERVICES
8.325.4 NMAC	HOSPICE CARE SERVICES
8.325.9 NMAC	HOME HEALTH SERVICES
8.325.10 NMAC	EMERGENCY MEDICAL SERVICES FOR ALIENS
8.326.2 NMAC	CASE MANAGEMENT SERVICES FOR ADULTS WITH DEVELOPMENTAL DISABILITIES
8.349.2 NMAC	APPEALS AND GRIEVANCE PROCESS
7.21.1 NMAC (Renumbered as 8.372.1 NMAC)	GENERAL PROVISIONS
7.21.2 NMAC (Renumbered as 8.372.2 NMAC)	STANDARDS OF DELIVERY FOR BEHAVIORAL HEALTH SERVICES
7.21.3 NMAC (Renumbered as 8.372.3 NMAC)	BEHAVIORAL HEALTH ENTITY CONTRACTING