



Michelle Lujan Grisham, Governor  
David R. Scrase, M.D., Secretary  
Nicole Comeaux, J.D., M.P.H, Director

April 20, 2021

**Interested Parties:**

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to repeal and replace the New Mexico Administrative Code (NMAC) rule 8.312.3 NMAC, *Long Term Care Services – Nursing Services, Cost Related Reimbursement of Nursing Facilities* and amend 8.311.3 NMAC, *Hospital Services, Methods and Standards for Establishing Payment - Inpatient Hospital Services*. The proposed rule changes are to provide a retention period that is in accordance with 42 CFR 425.314 subpart (b)(2) and to provide a defined period in which the financial and statistical records must be retained.

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: April 20, 2021

Hearing Date: May 20, 2021

Adoption Date: Proposed as September 1, 2021

Technical Citations: 42 CFR 425.314 subpart (b)(2)

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

**8.312.3 NMAC**

Section 8 is being amended to include the Department’s current mission statement.

Section 11, Subsection D, Paragraph (1) is being amended to provide a more defined retention period by replacing the “period of not less than four years” with “10 years”.

Section 11, Subsection D, Paragraph (2) is being amended to provide a more defined retention period by replacing the “period of not less than three years” with “10 years”.

Throughout the rule amendments are made to comply with NMAC rule formatting requirements.

**8.311.3 NMAC**

Section 8 is being amended to include the Department’s current mission statement.

Section 14, Subsection D, Paragraph (1) is being amended to provide a more defined retention period by replacing the “period of not less than four years” with “10 years”.

Section 14, Subsection D, Paragraph (2) is being amended to provide a more defined retention period by replacing the “period of not less than three years” with “10 years”.

The register for the proposed amendments to these rules will be available April 20, 2021 on the HSD web site at <https://www.hsd.state.nm.us/lookingforinformation/registers/> or at <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective September 1, 2021. A public hearing to receive testimony on these proposed rule amendments will be held via conference call on Thursday, May 20, 2021 at 10 a.m., Mountain Time (MT). **Conference phone number: 1-800-747-5150.**  
**Access Code: 2284263.**

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on May 20, 2021. 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/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/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.

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 MAD in Santa Fe at 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

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