

NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.324.5 NMAC, *Adjunct Services, Vision Appliances, Hearing Appliances, Durable Medical Equipment, Oxygen, Medical Supplies, Prosthetics and Orthotics*.

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: September 9, 2026

Hearing Date: October 9, 2026

Adoption Date: Proposed as January 1, 2027

Technical Citations: 2023 Legislative Session House Bill 131- Prosthetic & Custom Orthotic Device Coverage and 2023 Legislative Session House Bill 53 -Delivery of Necessary Diabetic Resources, 2026 Legislative Session House Bill 38 Wheelchair Insurance Coverage.

Background

The Health Care Authority is proposing to amend 8.324.5 NMAC, *Adjunct Services, Vision Appliances, Hearing Appliances, Durable Medical Equipment, Oxygen, Medical Supplies, Prosthetics and Orthotics* to: 1) Update coverage and reimbursement policies for prosthetic and custom orthotic devices to align with provisions outlined in House Bill 131, passed during the 2023 legislative session. Proposed language expands on conditions that must be met for replacement of prosthetics and orthotic devices; 2) Update coverage and reimbursement for diabetic supplies, to align with provisions outlined in House Bill 53, passed during the 2023 Legislative Session; 3) Amend the policy language to provide clarification regarding the types of bathroom equipment that are covered; 4) Amend language to capture the newly implemented benefit Pasteurized Human Donor Milk (PHDM); 5) Updates NMAC citations that currently reference archived NMAC citations. (6) Amends the language to align with provisions outlined in 2026 House Bill 38 which increased coverage for up to two complex rehabilitation technology (CRT) devices and up to three prosthetic or orthotic devices per affected limb in a three-year period based on medical necessity. HB38 also added provider requirements for deliver of and repairs of CRTs.

The HCA is proposing to amend the rule as follows:

Section 8

Language has been amended to include the HCA's current mission statement.

Section 12

Language has been amended to update coverage and reimbursement for diabetic supplies as outlined in 2023 Legislative Session House Bill 53.

Language has been amended to update implementation of and reimbursement for Pasteurized Human Donor Milk (PHDM) to increase availability to high-risk Medicaid eligible infants up to 12 months old.

Language has been amended to update coverage for prosthetic and custom orthotics devices as passed in the 2023 Legislation House Bill 131- Prosthetic & Custom Orthotic Device Coverage. Proposed changes also update the language regarding replacement of orthotic or prosthetic devices.

Language has been amended to update coverage for additional complex rehabilitative technology devices as outlined in 2026 Legislative Session House Bill 38.

Section 13

Language has been amended to provide clarification regarding the types of bathroom equipment that are covered. NMAC citations have been revised to replace outdated references.

Section 14

Language has been amended to provide update coverage for complex rehabilitation technology (CRT) devices and add provider requirements for delivery of and repairs of CRTs.

Section 15

NMAC citation has been revised to replace outdated reference.

Section 17

Language has been amended to provide update coverage for complex rehabilitation technology (CRT) devices.

Throughout the NMAC amendments have been made to comply with formatting and language requirements.

I. RULE

These proposed rule changes will be contained in 8.324.5 NMAC. This register and the proposed rule are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

II. EFFECTIVE DATE

The HCA proposes implementing this rule January 1, 2027.

III. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on **October 9, 2026, at 9:00 a.m.**

Mountain Time (MT). The hearing will be held in the Large Conference Room of the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting

Join: <https://teams.microsoft.com/meet/275933366344788?p=Z5ueypZkFaHQNsk2ag>

Meeting ID: 275 933 366 344 788

Passcode: Cu3uU9bA

Dial in by phone

+1 505-312-4308,,596570325# United States, Albuquerque

Phone conference ID: 596 570 325#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by 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.

IV. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority

Office of the Secretary

ATTN: 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: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m. MT on October 9, 2026**. 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 HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and

<https://www.hca.nm.gov/2026-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.