

## NOTICE OF RULEMAKING AND PUBLIC HEARING

Notice is hereby given that the Aging & Long-Term Services Department (ALTSD) will hold a public hearing in person and via video conference regarding a proposed new rule in the New Mexico Administrative Code (NMAC). ALTSD proposes to add rule 9.2.26 NMAC - Criminal History Records Check.

**Legal Authority:** Authority for the amendment of the rules is provided by Subsection E of Section 9-23-6 NMSA 1978, which states the following: “The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions.”

**Public Rule Hearing:** The Department will hold a public hearing in person and via Microsoft Teams on October 10, 2025 at 9:00 a.m. MST to take comments regarding the proposed amendments to the rules. To participate virtually, please use the meeting ID below to attend the hearing.

Hearing Date and Time: October 10, 2025 at 9:00 am

Physical Location: Willie Ortiz Auditorium, 2600 Cerrillos Rd. Santa Fe, NM 87505.

To join Virtually:

Microsoft Teams Meeting ID: 245 016 029 536 9

Passcode: NL99x7ex

Dial in by phone:

+1 505-312-4308,,996789434# United States, Albuquerque

(888) 506-1357,,996789434# United States (Toll-free)

Phone conference ID: 996 789 434#

Copies of the notice of rulemaking and proposed rule are available on the New Mexico Sunshine Portal at <https://ssp.nm.gov/> and on the ALTSD website at <https://www.aging.nm.gov/admin/records-check/>.

**Public Comments:** Interested parties may submit written comments to: Aging & Long-Term Services Department, Office of the Secretary, ATTN: NMAC Revisions Public Comments, 2550 Cerrillos Rd., Santa Fe, New Mexico 87505. Interested persons may also send comments via e-mail to: [kathryn.farquhar@altsd.nm.gov](mailto:kathryn.farquhar@altsd.nm.gov). Written mail and electronic mail must be received no later than 5:00 p.m. MST on October 9, 2025. Written comments will be given the same consideration as oral comments made at the public hearing. All written comments received will be posted as they are received on the ALTSD website at <https://www.aging.nm.gov/admin/records-check/> along with the applicable register and rule. **The public posting will include the name and any contact information provided by the commenter.** All written comments will be posted on the Department’s website within (3) three days of receipt.

If you are a person with a disability and you require this information in an alternative format or require an auxiliary aid or a special accommodation to participate in the public hearing or to provide comments, please contact ALTSD in Santa Fe at (505) 476-4799 or send your request via email to: [kathryn.farquhar@altsd.nm.gov](mailto:kathryn.farquhar@altsd.nm.gov). 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 ALTSD upon request by providing copies directly to a requestor or by making them available on the ALTSD website or at an ALTSD location nearest to the county of the requestor.

**Summary:** The New Mexico Aging and Long-Term Services Department proposes this new rule, 9.2.26 NMAC, to come into compliance with Section 9-23-14 NMSA 1978 which mandates that ALTSD promulgate rules for the investigation and determination of qualifications of its employees, selected applicants, and volunteers. The purpose of the proposed rule is to ensure that ALTSD follows a consistent process in conducting background checks pursuant to 9-23-14 NMSA 1978.

To obtain an electronic copy of the full text of the proposed rules, please visit:

<https://www.aging.nm.gov/admin/records-check/>

To obtain the full text of the proposed rules in nonelectronic form, please contact:  
kathryn.farquhar@altsd.nm.gov. A reasonable fee may be charged to provide any records in nonelectronic form. See  
Subsection B of 14-4-5.2 NMSA 1978.