

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 8.320.2, *Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services*.

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: 2026 Legislative Bills: SM 2 and HM 35

Background

The Department is proposing the following changes to align with CMS requirements and to implement EPSDT Pediatric Palliative and Concurrent Care Services per 2026 Legislative Bills, Senate Memorial 2 and House Memorial 35.

The HCA is proposing to amend the rule as follows:

Section 7 has been added to capture the definitions.

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

Section 10 is being amended to add language expanding coverage of medically necessary services beyond those included in the state plan to align with CMS requirements.

Section 14 is being amended to remove the Electronic Health Record (HER) incentive program as the program ended in 2022.

Section 15 is being amended to update medical and dental screening guidelines to reflect current professional recommendations from the American Academy of Pediatrics (AAP), Bright Futures, and the American Academy of Pediatric Dentistry (AAPD).

Section 16 is being updated to capture the department responsible for furnishing Early and Periodic Screening, Diagnostic and Treatment (EPSDT) special rehabilitation services.

Section 21 is a new section added to establish coverage for EPSDT Pediatric Palliative & Concurrent Care Services. Throughout the NMAC, minor edits are being made for clarification, rule references and to ensure compliance with formatting and language requirements.

I. RULE

These proposed rule changes will be contained in 8.320.2 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 11:00 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/288553103356022?p=UuVE0RGjflD7cDvyxk>

Meeting ID: 288 553 103 356 022

Passcode: d9EA7Hf7

Dial in by phone

+1 505-312-4308,,140523479# United States, Albuquerque

Phone conference ID: 140 523 479#

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.