

## NOTICE OF RULE MAKING

The New Mexico Health Care Authority (HCA), through the Behavioral Health Services Division (BHSD), is proposing to repeal and replace the New Mexico Administrative Code (NMAC) rule 8.321.10 Opioid Treatment Programs.

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: February 24, 2026

Hearing Date: March 24, 2026

Adoption Date: April 24, 2026

Technical Citations: Part 8 of Title 42 Code of Federal Regulations (CFR)

### **Background**

HCA is re-promulgating these rules to align with federal regulations outlined in Part 8 of Title 42 Code of Federal Regulations (CFR), which went into effect on April 2, 2024. This rule expands access to medications for opioid use disorder treatment, reduces stigmatizing language and practices, supports a patient-centered approach, and promotes provider flexibility in providing care. These rules specify the standards identified as essential for effective treatment in OTPs.

**The Health Care Authority is proposing to repeal and replace the rule as follows:**

### **8.321.10 NMAC**

Sections 1 - 32 have been amended to reflect updated CFR changes.

### **I. RULE**

These proposed rule changes will be contained in 8.321.10 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/comment-period-open-2025/>. 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 Health Care Authority proposes to implement this rule effective **April 24, 2026**.

### **III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on **March 24, 2026**, at 10:00am. The hearing will be held at the Behavioral Health Services Division at 39 Plaza la Prensa, Santa Fe, NM 87505 and via Zoom.

### **Join Zoom Meeting**

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 BHSD in Santa Fe at (505) 470-8378. 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 BHSD upon request by providing copies directly to a requestor or by making them available on the HCA 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](mailto:HCA-madrules@hca.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on March 24, 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/comment-period-open-2025/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.