

NOTICE OF PUBLIC HEARING

The Health Care Authority (HCA) Income Support Division (ISD) is proposing amendments to 8.102.461 NMAC:

Section 3:

- Removing the word “department”.
- No other language besides removing the word “department” in section 3 is under review at this time.

Section 10:

- adding subsection D: Nondisplacement safeguards:
 - (1) An adult taking part in a work activity outlined in 45 CFR 261.30 may not fill a vacant employment position if:
 - (a) Another individual is on layoff from the same or any substantially equivalent job; or
 - (b) The employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with an adult taking part in a work activity.
 - (2) A State must establish and maintain a grievance procedure to resolve complaints of alleged violations of the displacement rule in this section.
 - (3) This section does not preempt or supersede State or local laws providing greater protection for employees from displacement.
- No other language in section 10 is under review at this time.

Section 14:

- Removing HSD and replacing it with HCA
- No other language in section 14 is under review at this time.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations necessary to carry out the duties of the Authority and its divisions. Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983). The Authority must promulgate these rules and make them effective no later than June 1, 2025, to be in compliance with Federal law.

The register and rule language is available on the HCA website at: Income Support Division Registers - New Mexico Health Care Authority. If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750. The Authority is proposing to implement these rules effective December 1, 2025.

A hybrid public hearing to receive testimony on this proposed rule will be held, pursuant to Section 14-4-5.6 NMSA 1978, on Thursday August 28, 2025, 11:00 a.m. - 12:00 pm. You may join in person, virtually, or by phone.

You may join in person at: HCA Income Support Division Office at 4363 Jager Dr NE, Rio Rancho, NM 87144.

You may join virtually from your computer, tablet or smartphone: Microsoft Teams Need help? Get the app now and be ready when your first meeting starts: **Join the meeting now Meeting ID: 259 647 897 972 Passcode: vq6dD7EP Dial in by phone +1 505-312-4308,,212462035# United States, Albuquerque (888) 506-1357,,212462035# United States (Toll-free) Find a local number Phone conference ID: 212 462 035#.**

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Written comment may be dropped off during the scheduled hearing time at the HCA Income Support Division Office at 4363 Jager Dr NE, Rio Rancho NM 87144. All written comments will be posted on the agency website within 3 days of receipt. Individuals wishing to testify may contact the Income Support Division (ISD), P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling (505) 819-8118. Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, August 28, 2025. Please send comments to: Income Support Division P.O. Box 2348, Santa Fe, NM 87504-2348

Recorded comments may be left at (505) 819-8118. You may send comments electronically to: hca-isdrules@hca.nm.gov. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.