

NOTICE OF PUBLIC RULE HEARING

The Health Care Authority through the Child Support Services Division (CSSD), is proposing to amend/repeal/replace rule 8.50.114 NMAC - Financial Institution Data Match (FIDM) (specifically Sections 9 and 10). The purpose of this proposed rule change is to provide clarity for situations where there are multiple data matches reported for an obligor, aka, non-custodial parent (NCP), and to provide how separate criteria for financial accounts with the Federal Thrift Savings Plan (TSP) should be applied as 8.50.114.9. The Health Care Authority proposes to amend 8.50.114.10 to provide clarity on what appeals consists of regarding FIDM.

The Health Care Authority is proposing to amend rule 8.50.130 NMAC - Administrative Hearings (specifically sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, and 25). The purpose of this rule is to provide additional matters of when an NCP (or NCP's spouse) can request an administrative hearing, update names of federal entities to align with federal name changes, allow requests for hearings to be requested either in writing or verbally, update names of NMAC sections to coincide with interjurisdictional terminology, revisions made to incorporate gender neutral language in compliance with NMAC requirements, added a general language for guidance on office of fair hearing providing reasonable accommodations, and added language to provide consistency on pre-hearing activity.

In addition, minor edits, gender neutral language and statutory name changes.

The Health Care Authority is authorized to propose and adopt rules under Section 9-8-6, NMSA 1978 and Public Assistance Act, Section 27-1-13 and 27-1-11K, NMSA 1978.

No technical information serves as the basis for this proposed rule change.

Summary of proposed changes include:

8.50.114 NMAC

Specific proposed changes in 8.50.114 NMAC are as follows:

8.50.114.9 NMAC

Added to rule, guidance of how to handle multiple matches, and provide a separate threshold for TSP accounts. Deleted "appeal" and added "an administrative hearing."

8.50.114.10 NMAC

Removed "written appeal" from language. Added "requests for administrative hearings and judicial appeals."

8.50.130 NMAC

Specific proposed changes in 8.50.130 NMAC are as follows:

8.50.130.8 NMAC

Exchanged "Title IV-D agency" with "department" as the department provides hearings through the HCA office of fair hearings.

In subparagraph A, added "medical support coverage withholding," "lien on property, lien on insurance claims," and exchanged "FIDM" with "Financial Institution Data Match (FIDM)."

Added "federal thrift savings plan" since CSSD receives data matches for these accounts.

8.50.130.9 NMAC

In subparagraph A removed "the appellant's claim," and added "their case."

In subparagraph B removed "review," and added "hearing."

In subparagraph C description and subparagraph C(1), added "administrative" to remain consistent with the rule.

8.50.130.10 NMAC

In subparagraph A(1), removed “FMS.”

In subparagraph B, added “includes federal thrift savings plan (TSP) freeze orders.” Added “Title.”

In subparagraph D, exchanged “FMS” with “bureau of the fiscal services (BFS)” to reflect the new name of the federal office which issues the offset notices.

In subparagraph F exchanged “FMS” with “BFS” to reflect the new name of the federal office which issues the offset notices. Added existing reasons to request a hearing and the notice coincided with each one, which is mailed to the last known address reported to the IV-D agency.

Moved information in subparagraph G, to be under new subparagraph L.

Added subparagraph “G. Notice to obligor for insurance claim lien: The Title IV-D agency will mail notice of lien to the obligor at the last known address on file with the IV-D agency.”

Added subparagraph “H. Notice to obligor for consumer reporting: The Title IV-D agency will mail notice regarding the referral for consumer reporting to the obligor at the last known address on file with the IV-D agency.”

Added subparagraph “I. Notice to obligor for property lien: The Title IV-D agency will mail notice of lien to the obligor at the last known address on file with the IV-D agency.”

Added subparagraph “J. Notice to obligor for income withholding: The Title IV-D agency will mail notice regarding income withholding to the obligor at the last known address on file with the IV-D agency.”

Added subparagraph “K. Notice to obligor for medical support withholding: The Title IV-D agency will mail notice regarding medical support withholding to the obligor at the last known address on file with the IV-D agency.”

8.50.130.11 NMAC

Deleted “written.” Non-written requests are applicable methods to request administrative hearings.

8.50.130.12 NMAC

Updated section name to “CONTESTING FEDERAL TAX REFUND INTERCEPTS IN INTERGOVERNMENTAL CASES,” to coincide with interjurisdictional terminology.

In subparagraph A, deleted “worker.” Exchanged “place,” with “location.”

In subparagraph B, exchanged “his or her” with “their,” to provide gender neutral language.

8.50.130.13 NMAC

Updated section name to “CONTESTING TAX REFUND INTERCEPT IN RESPONDING INTERGOVERNMENTAL CASES,” to coincide with interjurisdictional terminology.

In subparagraph A, exchanged “FMS,” with “BFS,” to reflect the new name of the federal office which issues the offset notices. Exchanged “he or she,” with “they” to provide gender neutral language. Deleted “staff.”

In subparagraph A, and subparagraph B, deleted “worker,” and added “Title IV-D agency.” Added “they,” to add gender neutral language to the document.

In subparagraph B, deleted “and” to correct grammar. Added “An,” to correct grammar.

In subparagraph C, added “an administrative,” to specify an internal review process of contesting action taken by the agency.

8.50.130.14 NMAC

Added “or verbal,” to provide an additional option for appellants to request an administrative fair hearing.

8.50.130.15 NMAC

In subparagraph A, added “an administrative,” to specify an internal review process of contesting action taken by the agency. Removed “must,” added “may,” added “or verbally by the appellant or their authorized representative.”

In subparagraph B, deleted “in writing,” and “a written.” Added “an administrative,” to specify an internal review process of contesting action taken by the agency.

Deleted subparagraph C, “Upon the request of the appellant, the Title IV-D staff shall assist in the preparation of a notice of hearing. The notice of hearing will be signed by the appellant,” since this is a function of the Office of Fair Hearings and not the Title IV-D agency.

8.50.130.16 NMAC

In subparagraph A, added “an administrative,” to specify an internal review process of contesting action taken by the agency.

In subparagraph A(2), exchanged “situation,” with “matter,” to convey circumstances addressed are a single topic.

Added “or,” to acknowledge conjunction with the last subsection within subparagraph A.

Deleted subparagraph A(3) content and replaced with subparagraph A(4) content. Deleted subparagraph A(4).

In subparagraph A(3), added “an administrative,” for consistency.

In subparagraph B, added “an administrative,” for consistency.

Exchanged “his or her” with “their,” to provide gender neutral language. Added “scheduled,” and deleted “time and place of the.”

8.50.130.17 NMAC

Exchanged “place,” with “location.” Deleted “Arrangements will be made to ensure that the hearing process is accessible to and accommodates the appellant, as long as the,” and “notice to the administrative law judge of the need for reasonable accommodations.” Added “notice informs the,” to acknowledge a notice sent by OFH. Deleted “provides at least 10 days advance notice to the administrative law judge. of the need for reasonable accommodations.” Added “to submit a request for a reasonable accommodation to the administrative law judge at least 10 days in advance of the administrative hearing for consideration.” Deleted “ruling,” and replaced with “final decision,” so that the agency is consistent with the title of the forms provided.

8.50.130.18 NMAC

In subparagraph A, exchanged “staff,” with “agency.”

In subparagraph B, exchanged “his or her,” with “their,” to provide gender neutral language.

8.50.130.19 NMAC

Deleted subparagraph B and subparagraph C, since the functions are a duty of HCA Office of Fair Hearings, not the title IV-D agency. Exchanged the text of subparagraph D to a new subparagraph B.

In the new subparagraph B, exchanged “his or her,” with “their,” to provide gender neutral language.

8.50.130.20 NMAC

Exchanged all occurrences of “preliminary conference,” with “Agency Review Conference (ARC) or ARC,” to provide the verbiage of what the agency uses when describing pre-hearing activity.

In subparagraph A, added “administrative,” to specify an internal review process of contesting action taken by the agency. Deleted “worker.” Deleted “if an attorney is representing the appellant and the appellant's representative.”

Exchanged “his or her,” with “their,” to provide gender neutral language.

8.50.130.21 NMAC

In subparagraph A, added “unless accommodation is requested and granted.”

In subparagraph B, deleted “hearings unit,” and added “office of fair hearings (OFH),” to updated outdated names. Deleted “by the appellant or representative.”

In subparagraph B and subparagraph D, deleted “Title IV-D agency,” and added “OFH,” since the hearing record and index log is a function of “OFH.”

8.50.130.23 NMAC

In subparagraph A(1), deleted “tax intercept,” and added “administrative enforcement,” to distinguish the unit which oversees the tax intercept process. Deleted “administrative hearing,” and added “final decision.”

In subparagraph A(2), deleted “refunds” and added “shall refund.”

In subparagraph B, added “property, insurance claim,” and “consumer reporting, income withholding, medical support withholding, passport denial, administrative offset,” to coincide with the changes made in part 8.50.130.8 and 8.50.130.10. Removed “administrative,” in subsection B.

Added into subparagraph B, “or may be held by the Title IV-D agency until all appeals relevant to the action have been exhausted.”

Added a new Subparagraph, “C. RE-OPENING AN ADMINISTRATIVE HEARING,” to describe circumstances when a closed hearing may be re-opened. The re-opening of a closed hearing is at the discretion of the administrative law judge (ALJ). The evidence must be new information that was not available or presented to the ALJ at the time of the hearing. The ALJ will determine based on the new information provided if the evidence is enough to re-open the hearing, stay the established final decision, or open a new office of fair hearing case.

8.50.130.24 NMAC

Added “final,” to be consistent with the title of the forms provided.

In subparagraph B, removed “administrative law judge,” and added “department.”

8.50.130.25 NMAC

Deleted “human services department,” and added “health care authority,” to reflect department name change.

In subparagraph A(1) exchanged “he or she has” with “they” to provide gender neutral language.

In subparagraph A(2) changed “issue,” with “matter.” Exchanged “place” with “location.”

Copy of proposed rules: This register and the proposed changes are available on the Health Care Authority website at <https://www.hca.nm.gov/lookingforinformation/child-support-services-division-registers/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting the Child Support Services Division at (505) 699-1488.

A rule making public hearing to receive testimony on these proposed rules will be held in person and online on Thursday, December 18, 2025, from 10:00 am to 11:00am Mountain Standard Time (MST). See options below:

In person: 1474 Rodeo Rd., Santa Fe, New Mexico, in the large HCA/ASD conference room on the first floor.

Online (Microsoft Teams):

Please join the meeting from your desktop, laptop, mobile device, or smart TV and appliance (also via the web browser without installing the full application). Download the application (not required, but recommended) and be ready prior to the meeting:

Microsoft Teams Link Address

Join the meeting now

Meeting ID: 263 465 246 723

Passcode: Rt7sx9vC

If you are unable to attend using the link provided, please dial in using the audio only option below. 505-312-4308, then enter the conference ID when prompted: 98159450#

Find a local number

Phone conference ID: 981 594 50#

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 CSSD in Santa Fe at (505) 699-1488. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and accommodations.

For TTY - Hearing Impaired services, please dial 711 and provide the number and passcode for this open forum. After dialing 711 they will ask if you are using a TTY device and will assist further.

I. ADDRESS

Interested persons may address written comments to:

Health Care Authority

ATTN: Child Support Services Division Public Comments - Policy Unit

P.O. Box 2348

Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 699-1488. Interested persons may also address comments via electronic mail to: vincent.montoya@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MST on December 18, 2025. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. The public comment period is from November 18, 2025, to December 18, 2025, at 5pm (MST). Copies of all comments will be made available by CSSD upon request by providing copies

directly to a requestor or by making them available on the Health Care Authority's website within 3 days of receipt or at a location within the county of the requestor.