

NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to repeal the New Mexico Administrative Code (NMAC) rule 8.314.7 *Long Term Care Services-Waivers Supports Waiver*.

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: November 4, 2025

Hearing Date: December 8, 2025

Adoption Date: Proposed as April 1, 2026

Technical Citations: NMAC 8.314.7 Long Term Care Services- Waivers Supports Waiver

Background

The Supports Waiver is a 1915(c) Home and Community Based Services (HCBS) waiver developed in 2019–2020 to provide services and supports to individuals with intellectual and developmental disabilities who were on the Developmental Disabilities (DD) Waiver waitlist. At the time of implementation on July 1, 2020, the waitlist exceeded 13 years.

Since then, the Developmental Disabilities Supports Division (DDSD) has implemented an aggressive strategy to eliminate the waitlist, including a "Super Allocation" initiative that launched in 2021. In addition, the State received funding in its Fiscal Year 2026 budget, via House Bill 2, to create a sustained "no wait list" policy for the comprehensive DD and Mi Via waivers.

On May 1, 2025, the DDSD Pre-Service Intake Bureau (PSIB) sent approximately 700 letters to individuals on the DD Waiver waitlist, including waitlist members receiving services through the Supports Waiver. All individuals currently enrolled in the Supports Waiver have been offered an allocation to the comprehensive DD or Mi Via waivers. As a result of these efforts and the successful elimination of the waitlist, there is no longer a need for the Supports Waiver.

The Health Care Authority is proposing to repeal the rule.

This register and the current NMAC 8.314.7 proposed for repeal 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.

The Health Care Authority proposes to repeal this rule effective April 1, 2026.

A public hearing to receive testimony on this proposed repeal will be held on December 8, 2025, at 9:00 a.m. The hearing will be held in the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting

Join the meeting now

Meeting ID: 289 224 705 668 5

Passcode: 2H3fr6wo

Dial in by phone

+1 505-312-4308,,617819414# United States, Albuquerque

Find a local number

Phone conference ID: 617 819 414#

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 accommodation.

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.

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 December 8, 2025**. 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.