

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) 8.308.21, *Managed Care Program, Quality Management*.

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: March 10, 2026

Hearing Date: April 10, 2026

Adoption Date: Proposed as July 1, 2026

Technical Citations: LOD #65 CI Regulations Updates

Background

HCA received feedback from the Turquoise Managed Care Organizations regarding the administrative burden of the critical incident reporting criteria. After HCA's analysis, HCA is proposing to eliminate the Emergency Services, Law Enforcement, and Environmental Hazard reporting categories. Additionally, HCA will be revising the requirements for reporting insufficient staffing incidents. HCA is expecting this revision to reduce reportable incidents by more than 50%. The updates will reduce administrative burden for mandatory reporters of critical incidents and ensure that reportable incidents are truly critical. These incidents will remain reportable if they involve abuse, neglect, exploitation, misuse or unauthorized use of restrictive interventions or seclusion, or a medication error by a provider resulting in contact with a poison control center, an emergency department visit, an urgent care visit, a hospitalization, or death.

NMAC 8.308.21

Section 8 has been updated to include the Departments current mission statement.

Section 13 has been updated to remove reporting categories to include any incident involving the utilization of emergency services, hospitalization, the involvement with law enforcement, and exposure to or the potential of exposure to environmental hazards that compromise health and safety.

Section 13 has been updated to add reporting categories to include the misuse or unauthorized use of restrictive interventions or seclusion on a member. A medication error resulting in a telephone call to or consultation with a poison control center by or on behalf of the member, an emergency department visit, urgent care visit, a hospitalization, or death of the member.

Throughout the NMAC the following changes have been made:

1. Revising references to "his or her" to "their" or "the member".
2. Changed HSD to HCA.

I. RULE

These proposed rule changes will be contained in 8.308.21 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-closed/> 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 effective July 1, 2026.

III. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on April 10, 2026, at 10:00 am. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Microsoft Teams meeting

Join: <https://teams.microsoft.com/meet/21210098758081?p=2VbxsLp6hic2NLItw9>
Meeting ID: 212 100 987 580 81
Passcode: 92CB78jM

Dial in by phone

+1 505-312-4308,,516228109# United States, Albuquerque
Find a local number
Phone conference ID: 516 228 109#

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 Medical Assistance Division (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 p.m. MT on April 10, 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-closed/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.